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## Note To Contributors

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# AFRICA QUARTERLY

(A Journal of African Affairs)

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## CONTRIBUTORS TO THIS ISSUE

Mr. Vincent Grogan is a member of the Irish and Ghana Bars, and Director of the Irish Statute Law Reform Office. He was consultant on Statute Law Revision to the Government of Ghana in 1960-61.

Dr. Mohamed Riad is a Professor in the Cairo University, Cairo.

Mr. Sanjeeva Nayak is a Ph. D. student in African Studies Department, American University, Washington, D.C.

Dr. D. K. Malhotra is a Joint Secretary in the Planning Commission, Government of India, New Delhi.

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# THE EVOLUTION OF THE CONSTITUTION OF GHANA

*by*

VINCENT GROGAN

In the fields of constitution-making and law reform Ghana has played the role of a pioneer on the African continent. It was the first and, for the most part, remains the only one—of the new African States to endeavour to solve, in a fundamental way, the dilemma that has confronted every emergent country: how to devise a political framework which will encompass the executive, legislative and judicial institutions universally recognised as essential to the government of a modern state and yet preserve its native institutions, traditions and genius. Related to that, is the second dilemma: how to reconcile the alien system of laws imposed by the former imperial power, and by now inextricably woven into the political fabric, with the indigenous laws and customs that continue to guide and regulate the daily social life of the mass of the people. The manner in which Ghana has isolated and tackled these problems gives her solutions—her failures no less than her successes—a universality of interest and sets headlines which are already having an influence on the course of action of other African States<sup>1</sup>.

## **The New African Constitutions**

The first constitutions of the new states, which within the past decade have attained independence, have had one attribute in common: they were all modelled on those of their former imperial masters. This is equally true whether the former ruler was British, French or Belgian. So, the British colonies were presented with an executive head, representing the Crown, the British cabinet system and a Parliament on the Westminster model—with the underlying assumption that a two-party political structure would automatically follow. The French colonies inherited a Gaullist constitution with a popularly elected President as head both of State and government, largely independent of parliamentary control. The former Belgian Congo was established with provisional constitution which, though republican and quasi-federal, is in essence that of the Belgian constitutional monarchy: a document which endeavours to set down meticulously the largely unwritten conventions that govern the relations between the President (standing in the place

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1. Tanganyika's new constitution largely follows the Ghanaian model.



of the Crown) and the Prime Minister, between the latter and his Ministers and between Cabinet and Parliament, going so far as to provide for a *Conseil d'Etat* and a constitutional court to control Parliament itself.

While the *Loi Fondamentale* of the Congolese Republic may well serve as an unique monument to the misplaced ingenuity of imperial constitution-makers, the truth is that all of these constitutions suffer from the well-nigh fatal defect that they are fragile growths that do not easily transplant. They establish forms of democracy evolved in Europe by trial and error over many centuries but completely alien to the traditional communities upon whom they have been arbitrarily imposed and who are without experience in working them, or indeed the social structure and political philosophy which alone makes them meaningful.

"The traditional African politico-social system was tribal and hierarchical, and based upon the institution of the chieftaincy. The chief was selected—much as in the (ancient Irish) system—from the ruling family group by the heads of families or elders of the community. As a rule, there was no contest as to who should succeed: the successor was known and accepted during the lifetime of the ruling chief. If there should happen to be rival candidates, each would have his group of supporters—his 'party'—and the resulting contest might be uncompromising and even bloody. But, once the successor was selected, the contention ended, and every member of the community was bound, under pain of death or banishment, to accept the new chief and give him loyalty. The chief held office for life, subject to good behaviour: he could be deposed (in Ghana they would say *destooled*) by the elders on specific charges."<sup>2</sup> The chiefs were not autocrats—except where the foreign power, for its own purposes, made them so: they governed on the advice of the elders and sub-chiefs whom they were bound to consult on all occasions.

The west-European pattern of a parliamentary democracy, depending on at least two parties—both content to play the political game according to agreed, if unwritten, rules—and the acceptance of a permanent opposition, is quite alien to that tradition. A minority of sophisticated politicians in the new States understands how to manipulate the political machine, but the great majority do not appreciate what it is all about. Too often, it appears to be in basic conflict with their loyalties and their sense of honour and justice.

As a leading Nigerian lawyer has pointed out<sup>3</sup>, these facsimile constitutions have not been a success anywhere. The ordinary people do not understand party politics except as a call to the war-path against the

2. Grogan, Vincent, *Problems of the New African States*: Studies II., No. 201 (1962), p. 141.

3. Chief H. O. Davies, Q. C. : *The New African Profile: Foreign Affairs, an American Quarterly Review*, Vol. 40, No. 1 (1961), P. 51.

members of rival parties. The party system, he argues, opened new vistas of wealth and power to people who had been starved of them. Everybody who could has, therefore, sallied forth along the road to political and plutocratic eminence. Those in power have used every stratagem to remain there: for those in the minority no weapon is too mean to employ to attain power.

The two-party system, he believes, leads in present conditions to bribery and corruption on a large scale, encourages hooliganism and the invocation of racial, tribal and religious prejudices. He concludes that it is doubtful if a party that has once attained power will ever permit itself to be defeated at a subsequent election. Once a party has grasped the reins of government it regards itself as being in for good: it looks upon opponents of the party as national saboteurs.

One can observe the break-down of the two-party or multi-party system in almost all of these new States. The process has been accelerated in the former French territories which adopted the presidential system for, ironically enough, the Gaullist pattern—while it may well represent a highly personal and passing phase in the country of its origin—does, in fact, correspond to traditional African concepts of leadership and its functions. In Ghana itself the opposition United Party—never more than an opportunist alliance of local groups—has all but disappeared. Even in Nigeria, where the party system is bolstered up by the country's federal structure, the parties are divided on a regional and racial basis and not on the basis of socio-political programmes, and already ominous cracks have appeared in the edifice.

### **The role of the dominant party**

The tendency of parties to develop on tribal lines—natural enough in countries with artificial boundaries—, if allowed to continue, must be fatal to national cohesion. That is why, above all in Ghana, the dominant party is seen as the essential unifying force, a national movement embracing all phases of the nation's political, economic and social life. Dr. Nkrumah has brought this conception to the level of a political philosophy.

“Our Party is moving into what can become the most glorious chapter in the history of Africa. Our plan for the re-organisation of all sections of the community is to give everybody a chance to make his contribution to the development of our nation...Our Party is great and strong because we aim for a socialist pattern of society. We are the Party of the workers, the farmers and all progressive elements in our community...We want to give to the farmers, co-operators and workers equal status in our new society, and this explains our (Party's) attachment to the Trades Union Congress, the United Ghana Farmers Council and the National Council of Co-operatives. These three party

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organisations are the true and practical schools of our philosophy and those who go against them go against the Convention People's Party also. The Party is a powerful force; more powerful, indeed, than anything else that has yet appeared in the history of Ghana. It is the uniting force that guides and pilots the nation and is the nerve centre of the positive operations in the struggles for African irredentism. Its supremacy cannot be challenged. The Convention People's Party is Ghana, and Ghana is the Convention People's Party."<sup>4</sup>

The role of the sole, or dominant, party in African political life is well defined by a Senegalese priest, M. Gabriel d'Arboussier, Minister of Justice and Vice-Chairman of the African Conference on the Rule of Law (Lagos, 1961) :

"In those countries where the State is practically the sole source of all forms of welfare, either through its civil service or through the co-operative and nationalised production agencies, and where there are no factors creating self-supporting stability, there is a great danger that the continuity and authority of the State will be perpetually in doubt.

"Revolution resulting in dictatorship or in faction monopolising energies and sapping national awareness is something of which several countries in South America have provided examples which should be given serious consideration. It is one of the dangers that the developing countries must face if they are to attain their primary aim of the liberation of man.

"Does this mean, then, that such problems do not occur in industrialised countries? It certainly does not, but the gravity is less. That is why two frequently contradictory concepts were brought up at Lagos : "individual freedom and necessary state authority." Some of the participants questioned whether specifically African needs do not call for the recognition of a specifically African legality. This may be recognised without falling into contradiction, for there is a universal principle of legality according to which all political, economic and juridical institutions should be conceived for man and not *vice versa* while there are at the same time principles of legality peculiar to Africa...

"What I wish particularly to emphasize is the fact that in Africa the liberation of man, the ultimate aim of the universal principle of the Rule of Law cannot be attained except through observance of the essential requirements of independence, unity, democracy and economic development.

"Similarly, principles of law applied in Africa must achieve a synthesis between more recent and customary law.

"The resolutions adopted at Lagos endeavoured to state definite rules regarding the relations between the three powers, or, as contem-

4. Nkrumah, K., *I Speak of Freedom*, Heinemann, London, 1961, p. 208-9.

porary jurists put it more correctly, the three functions of legislature, government and judiciary, in order to safeguard individual freedom without compromising continuity of the State. It must be recognised that although these two principles aim at complementary goals, they conflict in their practical application. For the State, far from being a de-personalised juridical entity, has representative human agencies with interests that do not necessarily coincide with the State itself.

"It is at this point that it is necessary to have reciprocal guarantees which should be set forth in constitutions or legislation to prevent institutions being diverted from their aim.

"In order to avoid the perils of dictatorship or "technocracy" this legal machinery must be supplemented by the action of the dominant party.

"Between the traditional conception in capitalist countries of political parties entering national life only at elections in order to influence the electors' choice, and the view in totalitarian countries where only one party is recognised and its decisions have legal force and no opposition is allowed, we believe there is room for a more democratic procedure.

"Fully aware that sectarianism and imposed intellectual and moral guidance are often factors of stagnation and obscurantism, Africa intends to benefit by progress derived from freedom of thought and expression combined with intellectual daring and integrity. Political opposition must, therefore, be legally recognised as long as it does not seek to impose its will through methods of brute force which are in themselves a negation of freedom.

"On the other hand, once elections are over, the prevailing party does and go back into a state of semi-somnolence until the electorate is called upon the next time. It remains closely associated with the national life through the men it has brought into power. This ensures constant influence on the conduct of national affairs, the governments being informed as directly as possible of the people's needs and of the true consequences of action undertaken or projected. This also enhances the efficiency of government action as it is disseminated, interpreted and sustained by the prevailing party as a whole"<sup>5</sup>.

### **The Constitution of Ghana**

Against this background one can observe the main features of the present Constitution of Ghana in true perspective. This document, which came into force on 1st July, 1960, superseded the Constitution of 1957, enacted in the Westminster Parliament, under which the country attained Commonwealth status.

5. *Journal of the International Commission of Jurists*, Spring, 1961, Vol. III, No. 1, pp. 22-24.

The Constitution begins with the acknowledgment that the ultimate sovereign authority is the people. This assertion is, of course, a familiar one: one finds it, for instance, in the constitutions of the United States, Ireland and India. That is not to say, however, that it is an imported notion: in Ghana it corresponds with inherited beliefs and is inherent in traditional society.

In the forefront of the document is an act of faith in African unity. Article 2 provides: "In the confident expectation of a nearly surrender of sovereignty to a union of African States and territories, the people now confer on Parliament the power to provide for the surrender of the whole or any part of the sovereignty of Ghana." An analogous provision is to be found in the Constitution of the Republic of Guinea, with which Ghana has concluded an accord<sup>6</sup> as the nucleus of a Union of West African States. Article 34 of the Guinea Constitution provides: "La Republique peut conclure avec tout Etat Africain les accords d'association ou de communauté, comprenant abandon partiel ou total de Souveraineté en vue de réaliser l'Unité Africaine."

## The President

The keystone of the Constitution is the office of President. The President is the Head of the State; he exercises the executive power of the State, is Commander-in-Chief of the armed forces and the Fount of Honour<sup>7</sup>.

The first President, Dr. Kwame Nkrumah, was elected by a national plebiscite at which draft proposals for the new Constitution were also put before the people<sup>8</sup>. Uniquely, the Constitution<sup>9</sup> names Dr. Nkrumah as "first President of Ghana, having been chosen as such before the enactment of the Constitution in a Plebiscite..."

The term of office of a President is five years, and outgoing President is eligible for re-election. The provisions for future elections are simple, ingenious and novel<sup>10</sup>. It was considered essential, in the interest of political stability, to ensure that the President would, as in the United States of America, be chosen by the will of the people, by universal suffrage, and at the same time to guard against the possibility of a hostile majority in the National Assembly, also elected by universal suffrage, such as has occurred in the United States.

6. Ghana-Guinea Declaration, 23 Nov., 1958. This was followed by a Ghana-Guinea-Mali Charter, signed by the Heads of the three States on 29 April, 1961 and providing for the establishment of a Union of African States. This charter has not so far been implemented.

7. Art. 8.

8. He was elected by 1,016,076 votes to 124,623 cast for his opponent, Dr. J. B. Danquah, who had been Chairman of the former dominant party, the United Gold Coast Convention, long since defunct.

9. Art. 10.

10. Presidential Elections Act, 1960 (Act 1).

With this object in view, it is provided, in effect, that the Presidential election and the general election of members of the National Assembly will form one and the same process. Each candidate for the National Assembly may deliver to the Chief Justice a written notice declaring his preference for a specified Presidential candidate, provided that the Presidential candidate has given his consent and the notice so states. If the person giving the notice is elected to the National Assembly the notice is deemed to be a vote cast for that Presidential candidate in the primary stage of the Presidential election. If any one candidate obtains a number of votes exceeding one half of the members returned to Parliament he is declared elected as President. If no candidate is elected on this primary stage the members of the National Assembly become, as it were, an electoral college. They are freed from their original declared allegiance to a particular candidate and proceed to the secondary stage, at which they choose the President by secret ballot. If after five ballots no candidate has secured an absolute majority of the *votes cast*<sup>11</sup> the National Assembly is deemed to be dissolved and another general election follows.

Further, the nomination paper of every Presidential candidate must contain a declaration that the proposers "have reason to believe and do believe that at the forthcoming General Election candidates exceeding in number one-half of the number of seats in the National Assembly will declare their preferences for" the person nominated; and a person who signs the nomination paper knowing that declaration to be false, or reckless as to its truth or falsity, is guilty of an offence and liable to imprisonment for five years<sup>12</sup>. It follows that anyone nominating a Presidential candidate must prudently assure himself that his nominee has the support of at least 53 parliamentary candidates, the number of members of the National Assembly being 104.

The President may at any time dissolve the National Assembly and would naturally do so if he ceased to command the support of a majority. This would bring about a General Election involving at the same time the election of a President, and it may be taken for granted that the outgoing President would take steps to ensure the nomination of parliamentary candidates pledged to support him. Given the present dominance of the Convention People's Party it may be concluded that the choice of President effectively rests with the Central Committee of the Party, and that any struggle for power which may take place is more likely to occur within the Party itself than at a general election.

As head of the executive, the Constitution confers upon the President the power, except as may otherwise be provided by law, to

11. i. e. not necessarily an absolute majority of the members.

12. *Ibid.*, s. 4(2).

act at his own discretion, without being obliged to follow the advice of any other person<sup>13</sup>. He is required to appoint Ministers, including a cabinet comprising himself and at least eight Ministers, to assist him in the exercise of the executive power. They must, however, be members of the National Assembly. He may revoke any such appointment. He is entitled to attend, and deliver addresses and messages to the Assembly of which, however, he is not a member. He presides over the Cabinet. He is one of the two constituent parts of Parliament, the National Assembly being the other. He may refuse to assent to a Bill passed by the National Assembly or may signify his assent to a part only of the Bill and his refusal of assent to the remainder, in which event it is only the part to which he has assented which becomes law<sup>14</sup>.

### **Parliament and Fundamental Rights**

The Constitution enshrines the principle of constitutional supremacy in imposing limitations upon the power of Parliament to alter the Constitution and in conferring upon the Supreme Court the power to invalidate laws passed in contravention of the Constitution. Certain of its Articles may be amended by Parliament while others—the “entrenched clauses”—may be amended only if authority to do so has been conferred on Parliament by the people voting in a referendum ordered by the President. Amongst the entrenched clauses are those providing for the powers of the people, the realisation of African unity, the declaration of fundamental principles, the Parliament, taxation, and the judicial power.

The Constitution of Ghana does not expressly guarantee what are commonly thought of as the fundamental rights of the citizens. In this it differs from many modern Constitutions, such as the Constitution of Nigeria which contains express guarantees, as to personal liberty, freedom of expression, of movement and of assembly, and freedom of conscience<sup>15</sup>. In the Nigerian Constitution, as in others containing similar guarantees, the rights concerned are carefully delimited in the interests of public safety, order and morality and are subject to suspension during periods of emergency. To what extent, therefore, their effectiveness depends upon public opinion and on Parliament itself, rather than on the overriding power of the Courts, is a question upon which opinions may differ. At all events, it was clearly considered by Ghana's constitution-makers that at this early stage in the development of its newly emergent political society—in what may fairly be regarded as emergency conditions—the surrender of effective powers of control to the newly-established courts was not practical politics.

13. Art. 8.

14. Art. 24.

15. Constitution of the Federation of Nigeria, Chapter III.

On the other hand, it was clearly thought to be desirable that fundamental principles should be enunciated in some form.

The solution arrived at was to enshrine certain fundamental principles in the solemn declaration to be made by each President on assuming office, in which he declares his adherence to a number of such principles including amongst others: that no person should suffer discrimination on grounds of sex, race, tribe, religion or political belief; and that subject to such restrictions as may be necessary for preserving public order, morality or health, no person should be deprived of freedom of religion or speech, of the right to move and assemble without hindrance or of the right of access to courts of law<sup>16</sup>.

The question whether this declaration actually created rights enforceable by the Courts was raised in the Supreme Court in a case seeking to challenge the validity of the Preventive Detention Act, 1958, in which it was held that the declaration contained no provisions limiting, and did not limit, the powers of Parliament<sup>17</sup>.

The declaration has, in fact, a similar status to the "Directive Principles of Social Policy" set out in Articles 45 of the Constitution of Ireland (1937) and the "Directive Principles of State Policy" in Part IV of the Constitution of India. As these principles are intended for the general guidance of Parliament and government, the principles to which the President declares his adherence are for his guidance and are a standard against which his actions, and the legislation which he initiates, can be judged. They are not a matter for the cognisance of the courts. While the Ghanaian approach has been realistic rather than idealistic, it must be said that the Parliament of Ghana has not enacted any legislation which could not have been validly enacted in similar circumstances by any State whose constitution contained written-in guarantees. This proposition holds good for the Preventive Detention Act, 1958 (enacted under the previous Constitution but continued in force). "Preventive justice, as it is styled, which consists in restraining man from committing a crime he may commit but has not yet committed, or doing some act injurious to members of the community which he may do but has not yet done, is no new thing in the laws of England"<sup>18</sup>. Self-righteous British defenders of the rule of law—in other countries—conveniently forget that not alone the pattern of, but the high judicial justification for, preventive detention originated in their own country.

The Constitution recognises the institution of Chieftaincy as an integral part of Ghanaian society and provides for the continuance of Houses of Chiefs whose principal function today is the ascertainment and declaration of customary law<sup>19</sup>. The Constitution also recognises

16. Art. 13.

17. *In re Bafour Osei Akoto* (No. 42/61).

18. Lord Atkinson in *The King Zadiq v. Halliday*/1917/A.C. 260.

19. Arts. 13, 49, 50.



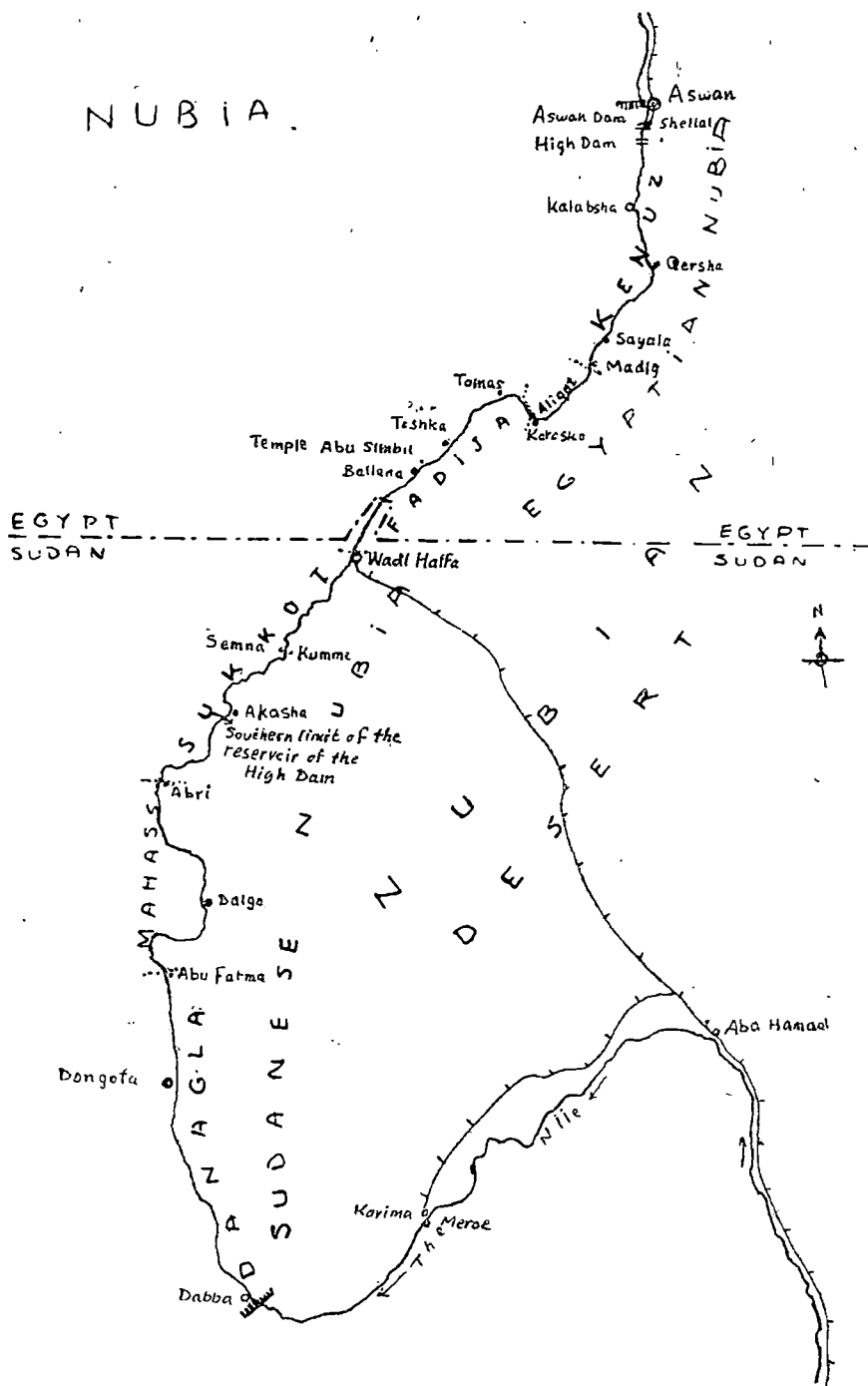
customary law as part of the laws of Ghana<sup>20</sup>. It is no longer necessary, as it was in colonial times and under the previous Constitution, for a litigant to prove the existence, content and applicability of a rule of customary law, as one would have to prove the provisions of foreign law. The Constitution also envisages the creation of machinery under which rules of customary law capable of general application may be assimilated into the common law so as to create a distinctive common law of Ghana.

One is left with the picture of a Constitution which is distinctive, Ghanaian and African; which candidly recognises the leader-principle (the Paramount Chieftaincy) and the concept of a dominant party, or national movement, informing and embracing all aspects of the nation's public life, and which honestly conforms with, and reflects, the actualities of political life in Ghana today.

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20. Art. 40; Interpretation Act, 1960 (C.A. 4). S. 17.

# NUBIA.



## AN INTRODUCTION TO NUBIA

by

MOHAMED RIAD

Nubia is a long strip of land which bounds the river Nile on both sides, from latitude 18 degrees North to latitude 24 degrees North, i.e., six degrees of latitude across the hottest part of the great Sahara belt of Africa. The total length of this country, if we follow the course of the river, attains some 950 km., but the breadth does not exceed a few hundred meters on both banks, except in sporadic parts and in the southern part, i.e., Dongola district, where the valley attains one to one and a half kilometer in breadth.

Though Nubia is culturally a homogeneous area, yet it is politically divided into two parts: (1) The northern part (320 km. or one third of Nubia) belongs to Egypt, and is referred to as Egyptian Nubia or, sometimes, Lower Nubia; (2) The southern part (660 km.) belongs to the Sudan and referred to as Sudanese Nubia or Upper Nubia.

There are no geographical, social, or linguistic basis for such a division. The only grounds on which basis the political borderline was drawn in this area appears stupid to any kind of reasoning. Egypt and the Sudan formed a political unit during most of the 19th century. Then Egypt fell under the military protection of Britain, after a short-lived war against the Egyptian army in 1882. Three years later, the Mahdi revolution in the Sudan victoriously captured Khartoum.<sup>1</sup> The Egyptian army was forced to retreat from the Sudan according to the advice of Britain. Then a combined Egyptian and British force regained the Sudan in 1899. The British Government, negotiating with the British authorities governing Egypt, decided that latitude 22 degrees North would be the political boundary between Egypt and the Anglo-Egyptian Sudan. And thus Nubia came to be divided.

### I

The town of Dabba lies at the southern end of Nubia while the city of Aswan marks the northern end of this country. From Dabba

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1. The reasons of the Mahdi revolution are, up to now, not accurately known. English sources usually blame the bad administration of the Egyptians in the Sudan. But we must not forget that so many Europeans, and especially English personalities, were hired by the Egyptian Government as administrators and governors in various parts of the Sudan. One should always question the role of Gordon, Baker, Gessi Schitzer, Slatin and many others in the Sudan before blaming only the Egyptians.

northwards the Nile flows in a narrow alluvial valley. The valley is at its widest in two places on the right bank where we find the two small basins of Letti (where the old capital of Dongola was situated) and Kerma. On the western bank the valley is of moderate size and was able, since a long time, to support a considerable number of population.

To the north of Kerma, the valley disappears suddenly and the Nile passes through the great bend of Dalgo in the Mahass country, then plunges into a series of smaller bends as it cuts its way across the rocks of the third and the second cataracts. This rocky and hilly country forms an area of poverty not surpassed by any other one in the Nile valley. The name of this country, Batn el-Hagar (=belly of stones), is an exact description of the land.

From Halfa to Ballana the Nile passes through a moderate valley for a distance of 60 km. halved between Egypt and the Sudan. Northwards the valley becomes narrow again, but on the West bank steep sand hills alternate with fertile cultivated patches all the way from Ballana to Kalabsha—a distance of 240 km. in length. In a few places rocky cliffs thrust eastwards till its feet are washed by the waters of the Nile. The eastern bank of the same stretch is on the whole a series of rocky hills and cliffs with few intervening lowlands formed by the mouths of many valleys (which are now dry).

North of Kalabsha till the site of the present Aswan Dam the Nile cuts across a rocky region; the western bank is merely a continuous cliff wall, while the Nile had succeeded in forming a very narrow alluvial strip (less than 500 meters broad) in various parts on the eastern bank.

Extreme aridity forms the main feature of the desert climate of Nubia. Excessive heat dominates the long summers, with occasional bursts of cooling north wind in the evenings. Winter is remarkable for its hot days and the sudden fall of temperature as soon as the sun sets. Rain is a rare occasion and may fall once every ten years. Though the amount of rainfall on such occasions is very little, it is not welcomed by the Nubians for it would cause destruction to their houses, built of stones and cemented by mud and sand, and well adapted only to dry weather.

Thus, it is readily seen that Nubia as a whole is a poor country in comparison with Egypt or the Sudan, but the Nile had made of it a strip of permanent settlement in comparison with barren deserts around it.

## II

Though poverty stricken by nature, Nubia has remained an important part of Egypt since times immemorial. Since the first millenium

B. C. it formed an out-post of the Egyptian civilization, and thus was the great door of Egypt to Africa and vice versa. Nubia assimilated and transmitted Egyptian cultural elements southwards to the Savana Belt of Africa. It also contributed much towards enriching the Egyptian culture by transmitting to Egypt several elements from the rest of Africa. Both ways, cultural elements underwent changes so that it bore a Nubian imprint. Thus Nubia is an interesting area for anthropological and historical research. It is interesting as a liaison region on the one hand, and as a region per se on the other. We gave priority to the first because Nubia's geographical situation made it a cross road of the highest degree of importance in north-east Africa.

But the importance of Nubia as a liaison region between North and South was not always the same through ages. It was of high importance since the beginnings of prehistoric cultures in Egypt (about 5000 B. C.) till the introduction of camel into Africa (from Asia across Egypt) and its wide use and dispersion into the African deserts around the beginning of the Christian era.<sup>2</sup>

Nile navigation throughout this long period was the important means of communication between Egypt and the South. And this must have affected Nubia. Historical documents tell us that the Egyptians had organized at times trade expeditions up the Nile into the present Sudan. Documents tell that they opened a navigable canal in the first cataract in the 6th Dynasty (2625-2475 B.C.) and in the 12th Dynasty (2000-1788 B.C.), which resulted in an intense Nile traffic with and through Nubia. Sisostris III, King of Egypt (1887-1849 B.C.), erected a stela in middle Nubia, near the fortresses of Semna and Kumme, marking the southern boundaries of Egypt, and forbade peoples from the South to move into Egypt unless for trade purposes. We can well imagine how difficult—if not impossible—it could be for any size of trade to move between Egypt and the South without using the sailing boats, in which the Egyptians had excelled, on the Nile.<sup>3</sup>

Many magnificent ancient Egyptian temples, which command the interest of world cultural circles in the present time, dispersed over

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2. Some historians and pre-historians like Petri, Scharff, Caton-Thompson among others affirm, on the basis of findings, that camel was always known on the frontiers of Egypt since pre-historic times and in Egypt since the Old Kingdom (3000-2475 B.C.). Whether this is right or not, it is almost certain that camel as a beast of burden was widely known in Africa a little before the Christian era.
  3. The Austrian Archaeological Expedition to Nubia had discovered, among rock engravings in Sayala (middle Egyptian Nubia), so many kinds of boats during its two seasons of work (1962-1963). We had also observed different kinds of boats engraved on the rocks of Korosko. It seems that the Austrians had classified these kinds of boats on a span of time extending from the Egyptian pre-history right through Dynastic history. These discoveries prove that navigation on the Nile, in Nubia as well as in Egypt, has a very long history behind it. This tradition is well kept among many Upper Egyptians and in certain places in Nubia. All the navigators of the steamers on the Nile, in Nubia and the Sudan, are either Kenuz or Danagla.

the whole length and breadth of Nubia. They stand as a salient evidence of the importance of Nubia as an integral part of Egypt. For we cannot imagine the Egyptians taking pains to erect these holy edifices in a marginal land. And it proves that Nubia was full of life, traffic and trade.

And in fact Nubia was, strategically speaking, a very sensitive zone. Thebes, capital of Egypt for long periods, is only 250 km. to the north of Nubia. If we believe Professor Breasted<sup>4</sup>, the part of Upper Egypt lying between the city of Aswan and Idfu was still reckoned as belonging to Nubia and still bore the name Ta-sti (Bow land) which was usually applied to Nubia till 2000 B.C. Idfu is only 120 km. south of Thebes. It is impossible to choose a capital so near to a turbulent frontier unless the pacification of Nubia must have been accomplished long ago.

Economically Nubia was a vital region to ancient Egyptians. Many dry valleys which cut across the Nubian desert debouch into Nubia. These valleys were and still are the natural routes to the gold and copper mines in the eastern desert. Thus securing Nubia was part and parcel of securing the safety of the then rich mines.

When camel became widely diffused in Africa about the beginning of the Christian era, Nubia lost much of its importance as the monopoly for the trade route from north to south was shared now with caravan routes. But it never lapsed into complete isolation. Through the fifth, sixth and the seventh centuries A.D. Nubia was a refuge for monks and the Christian monophysite Egyptians who were persecuted by the Roman Church.

Between the introduction of Christianity (6th century) and the introduction of Islam (14th century) Nubia was exposed to a feeble but continuous Arab influence because it formed an island of Christianity in a sea of Islam. The main route of the Arabs and Mohammedans now avoided Nubia even after the complete conversion to Islam of Nubia. Caravan routes started from Assiut to Dar Fur across the Lybian desert and from the neighbourhood of Aswan to Barbar and Central Sudan. Nubia was left to stagnation; for neither the Otoman Turks (who governed Egypt from the 16th century onwards) nor the Fung Kingdom of Central Sudan (formed at the beginning of the 16th century) bothered to extend their claims over Nubia, but rather left it as a sort of buffer principality.

The isolation of Nubia came to an end when Mohamed Aly, Governor of Egypt (1805-1849), extended his rule to the Sudan in 1821. Nile navigation partly regained its importance along with the caravan routes. With the introduction of railways and Nile steamers early in our century Nubia was revived. But modern communications are also

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4. See Breasted, J. H., "*Geschichte Aegyptens*", Zurich, 1954, p. 124.

responsible for the relative isolation of Central Nubia, i.e. Batn el-Hagar, because they do not touch this area.

### III

The fate of Nubia throughout its long span of time must have affected and remoulded both ethnic and cultural composition of its people several times. The final results are those groupings of languages and peoples whom we call nowadays the Nubians.

Linguistically the Nubians are divided into two major groups:

(a) The Matuki-Dongolawi language. The Matuki is spoken in the northern part of Egyptian Nubia, while the Dongolawi is spoken in Dongola district of the Sudan. Geographical location seems to be the decisive factor in creating those two dialects.

(b) The Mahassi language. It occupies the southern part of Egyptian Nubia and the northern part of Sudanese Nubia. It is further divided into three dialects; the Fadija (southern Egyptian Nubia), the the Sukkoti (northern Sudanese Nubia) and the Mahassi proper (central Sudanese Nubia).

The origin of the Nubian languages is much disputed. But it is assumed by the majority of the specialists that it is originally a Hametic language which came under heavy influence from the Sudanese (not to be mixed with the Sudanese in the modern political sense) languages, as well as influences from the Beja-To-Bedwai (Eastern Hametic language) and Arabic.

While recognizing these linguistic groups, the Nubians divide themselves in the following groups of peoples :

a) The Kenuz : This group occupies the northern part of Egyptian Nubia, from Aswan to Madig, and speaks the Matuki language. Together they number about 37,000 persons, but only about 22,000 of them would be affected by the High Dam, while the others live north of the High Dam.

b) The Nubi or Fadija : They occupy the land between Abu Handal and Wadi Halfa. They count about 24,000 persons and would all be affected by the High Dam.

c) The Sukkoti : Their area extends from Wadi Halfa to Abri.

d) The Mahass : They occupy the land of the Nile Bend at Dalgo, and extend from Abri to Abu Fatma. Together with the Sukkoti they count about 62,000 persons. Only the Sukkoti would be affected by the High Dam, because the waters of the reservoir of the High Dam would only reach south to Akasha, i.e., 60 km. north of Abri.

e) The Dongolawi or Danagla : They occupy the land from Adu Fatma to Dabba. They count about 95,000 persons, and thus they form the biggest Nubian group.

Together with these Nubian groups, other communities of different origins had segmented themselves to Nubia. The majority of these

non-Nubians are allegedly Arabs. One such group had succeeded in holding a part of Nubia as its exclusive homeland. These are the Ali-qat who occupy the central zone of Egyptian Nubia, between Madig and Korosko, i.e., between the Kenuz and the Fadija. Smaller groups of alleged Arab origin share the country of the Danagla, e.g., the Bedieria, Dar Hamed, Rikabia and Gawabra. The Gararish, who are alleged to be of Abadi descent, had succeeded in holding parts of Batn el-Hagar. Ababda, Akarma and Bishareen, who belonged once to the nomadic Beja, live in various numbers among the Nubians. The Tenoki, or the Gharbiab, who claim a descent from Ali, the cousin of the Prophet, live in the locality of Tomas and the near-by Gatta.

The Kushaf are another category of non-Nubians who live in Nubia and do not claim an Arab ancestry. They are the descendants of Turkish and Balkan soldiers, who were garrisoned by the Ottoman Empire in Nubia to guard the southern frontiers of Egypt. Since a long time they had ceased being soldiers, intermarried with the Nubians, raised themselves to a status of an aristocracy, governed Nubia for sometime, but culturally they were absorbed by the Fadija (with whom they now live) to the extent that they speak only the Fadija tongue.

Such are the societies of Nubia. Yet it is difficult to describe these groupings as tribes. There exist no such denominations as the Kenuz tribe or the Mahass tribe. We believe that tribal organization is always attached to nomads, e.g., the Beduin Arabs or the Turkmans. But a long sedentary population, even of an early nomadic origin, or influenced by nomads for long, ceases to be organized on tribal lines. Sedentary community is usually organized according to territorial relationships rather than biological kinship, regardless of territory or locality.

The isolation of Nubian villages, forced by natural conditions, resulted in a sense of tight relationship due to intermarriages within the same village. These conditions, repeated generation after generation, culminated in a tight endogamous group: the "Ab". The term "Ab" is a suffix. Not only is it used all over the linguistic groups of Nubia, but it is also widely diffused among the nomad Beja of the Red Sea coast and many Arab tribes of North and Central Sudan. "Ab" is originally an Eastern Hametic term meaning "sons of" or "descendants of", thus equivalent of the Arabic term "Bani", and the English term "tribe". If we remember that the Eastern Hamites were, and still partly are, nomads, then the term "Ab" meant a tribe.

In an area like Nubia, where sedentary life presents only a thin ribbon amid barren deserts, space relations with the neighbouring nomads would always leave its effect on the Nubians. The history of Nubia, from the ancient times, manifests a continuous relation of trade and war with the nomads. When Islam appeared in Africa, Arab tribes soon co-occupied the Nubian desert with the Beja, and influences of



nomads on Nubia did not come to a stop. Thus it is not strange to find a nomadic term, borrowed by the sedentary Nubians and applied to their territorial groupings.

In Egyptian Nubia, where we had made several researches<sup>5</sup>, a locality group consists of more than one descent lineage, but there is usually one major lineage (with its sub-divisions) and other minor lineages. Endogamy should not be understood as meaning strict observance of marriage within a family group or a lineage. Rather it means endogamy within the locality, regardless of direct ancestry. Even if there are two groups of different origins, e.g., Kenuz and Ababda in Sayala, or Aliqat and Fadija in Korosko, mixed marriages do occur. This was statistically proved by us.<sup>6</sup> In Sayala Ababda men often marry Kenuz women in a far greater number than Kenuz men marry Ababda women. This is basically due to the objection of the Ababda to wed their women to Kenuz. The Ababda usually believe in their superior origin to that of the Kenuz. The Ababda boast of their alleged Arab origin and consider it higher than the Nubian origin. Considering that the Ababda settlement is a comparatively a recent event in Sayala, the pride of the Ababda is then understood as a logical continuation of the pride of the nomad when he got in touch with the long settled Nubian.

The same attitude is held by the Aliqat (Arabs) towards both the Kenuz and Fadija. But we have noticed that the Korosko Aliqat, having lived so long among the Fadija, usually intermarry freely with them to the extent that some orthodox Aliqat do not seriously consider their Korosko brethren as true Aliqat.

Descent is patrilineal among all the inhabitants of Nubia, and a general preference to marry one's father's brother's daughter or any sort of parallel or cross cousins is not proved from our observations. Initial matrilocal residence is always observed at the beginning of each marriage.

#### IV

The total population of Nubia, from Aswan to Dabba, counts, according to the statistics of Egypt and the Sudan, 293,500 persons.

5. We have made researches in the following localities :

- (a) Gersha : Kenuz country. Majority of population Kenuz. Minority composed of Ababda.
- (b) Sayala : Kenuz country. Like Gersha there is a minority of Ababda among the Kenuz but they differ from the Ababda of Gersha in their place in the genealogy of the Ababda tribe.
- (c) Korosko : Aliqat country. Mixed population of Aliqat and Fadija.
- (d) Toshka West : Fadija country. A composite population of Fadija majority, Kushaf, and Kenuz migrants who settled in Toshka after the building of Aswan Dam in 1902 and 1911.

6. See Riad, M., "The Ababda of Sayala": *Annals of the Faculty of Arts*, Ain Shams University, Cairo, 1963.

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Not all of them are Nubian-speaking. There are about 75,000 persons who speak only Arabic, while the rest, 218,000 persons, speak one of the aforementioned Nubian languages or dialects. But because Nubia is on the whole a poor country, the total population given above represents only about half the population of Nubia; the other half lives everywhere in Egypt and the Sudan partly settled and partly taking jobs for long or short periods in urban centers. The following figures for the population of Nubia are taken from the 1960 census of Egypt and the 1957 census of the Sudan.

TABLE I

<i>Group or district</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Total of non-Nubiphone (mostly Arabic)</i>
<i>Egyptian Nubia:</i>	29,065	36,758	65,823	
Kenuz	17,536	19,913	37,449	
Aliqat	1,440	2,978	4,418	4,418
Fadija	10,089	13,867	23,956	
<i>Sudanese Nubia:</i>	103,341	124,815	227,656	
Halfa district	34,709	41,711	75,920	13,237
Dongola district	68,632	83,104	151,736	56,978
<i>Grand total of Nubia</i>	132,406	161,573	293,479	

In partly analysing Table I we must be aware of the following points :

- (a) Aswan city is not included in the previous figures.
- (b) The city of Wadi Halfa was included in the fig of the district of Halfa. It accounts for the majority of the figure for the non-Nubiphone of the district. The total population for the city of Halfa is given as 11,006 persons.
- (c) The town of Dongola, capital of Dongola district, represents a purely Nubiphone urban center. But even if we consider it, like Halfa, a non-Nubian center, its population is so small (3,350 persons) to account for the huge number of the Arabophone in Dongola district. This comparatively big number must be considered under the light of the economic conditions of this part of Nubia. We have already stated that Dongola is by far the richest of all Nubian districts ; the valley here is at its widest and supports a fairly big population. These conditions had, in the past, induced some of the Arab tribes to move in and settle down. In modern times the district was well served with mechanical water pumps which resulted in perennial irrigation, increase in acreage and arable land, and a more densely populated zone in Nubia.

TABLE 2

Distribution of Nubian-speaking groups in Nubia &amp; Nubian migrants:

<i>Group</i>	<i>Total Number</i>	<i>Percent of grand number of all Nubiain-speaking &amp; Migrants</i>
<i>Total Nubian-speaking in Nubia:</i>	218,346	49
Kenuz	37,449	8.3
Fadija	23,956	5.5
Sukkot & Mahass	62,183	14
Danagla	94,758	21.2
<i>Total Nubian migrants:</i>	225,000	51
Migrants in Egypt	52,000	12
Migrants in Sudan	173,000	39
<i>Grand Total of all Nubians:</i>	443,346	100

The following remarks are necessary to understand Table 2 :

- (a) Though there are 52,000 Nubians registered in Egypt, this number does not include those Nubians who had migrated to several places in the provinces of Qena and Aswan after the construction of the Aswan Dam in 1902 and its consequent heightenings in 1912 and 1933. Those Nubians had already settled there and are no more counted as part of the Nubians.
- (b) The figures for the Nubian migrants in the Sudan include both Nubians who have already settled or who work temporarily outside Nubia.
- (c) The figures of the Nubian migrants in the Sudan do include a good percentage of Nubians from Egyptian Nubia. Our investigations in Egyptian Nubia proved that the direction of movement of labour from Egyptian Nubia was, generally speaking, as follows:

<i>Group</i>	<i>Direction of labour movement</i>
Kenuz.....	Egypt (overwhelming majority)
Aliqat.....	{ Egypt (majority of certain villages)
	{ Sudan (majority of southern villages)
Fadija.....	{ Sudan (majority of Fadija)
	{ Egypt (minority of the Fadija)

We think that the direction of movement is influenced by two supplementary factors: space-relations and linguistic affinities. Thus the geographical situation of the Fadija, which is nearer to the Sudan than Egypt, and their dialect, which is a section of the Mahassi Nubian language, had facilitated the chances of labour for the Fadija in the Sudan. The Kenuz, on the other hand, had much to do with Aswan and northwards. In the case of the Aliqat, who are cen-

trally situated and who speak only Arabic, the question is not easy, and the matter might have been motivated by personal preference and historical trade connections with Eastern Sudan during the supremacy of camel caravans as the most important means of communications. This may also be the case with the Ababda who succeeded in creating centres of Abadi settlements in Northern Sudan during the days of camel transport. These centres usually attracted and still attract some Ababda to the Sudan.

Now considering Table I we readily see a strange structure in the population of Nubia. The male-female ratio is amazing and has perhaps very few analogies in the world. In Egyptian Nubia females constitute more than 60 per cent of the population residing in Nubia, while they form about 55 per cent in Sudanese Nubia. But if we add the Nubian migrants in Egypt to their kinsmen in Egyptian Nubia the male-female ratio returns to normal. The females would then constitute only 49 per cent. Though we have no statistics about the Nubian migrants in the Sudan, we are yet sure that the case would be similar.

This state of affairs leads to the conclusion that a majority of the Nubian migrants is composed of males. An analytic look at the age-sex groups of any given locality in Egyptian Nubia shows a surplus of infant males to females. At the same time it shows an extraordinary small number of males in the age-groups between 20 and 60. Thus migration is motivated by poverty and it is constituted by males in the age where they can be gainfully employed in the urban centres. Females do accompany males but only for shorter periods, and they are never engaged in any kind of jobs; they usually are wives or mothers.

Not all the migratory Nubians return back to Nubia after they attain old age. A good percentage of them settle down where they are and form new homes. Though this kind of permanent settlement is a bit rare in Egypt (the biggest such movement happened only in connection with the Aswan Dam), it was quite often in the Sudan. Examples of Nubian homes outside Nubia is presented by the Nubian settlements of Ailafoon and Tuti Island in the area of Khartoum, and by the Meidobi of north-east Dar Fur. In addition there are Nubian communities everywhere in the Sudan, where they became prosperous farmers, traders, or officials of the government.

The rarity of permanent migration of the Nubians in Egypt must not be explained by a lack of tolerance against dark skin. In fact there are Egyptians in Upper Egypt who are as dark as the Nubians. The real causes lie in the economic demography of Egypt.

According to the 1960 census the population of Egypt attained some 26,000,000 persons. While the total surface of Egypt attains 1,000,000

square kilometres, the surface of the permanently inhabited and exploited land (the Nile valley and the delta plus small patches formed by the oasis) does not exceed 32,000 square kilometres. Thus the density of population is more than 800 persons per square kilometre. This is considered the highest rural density in the world (with few exceptions).

On the other hand, the Sudan has a surface of 2,505,825 square kilometres and a population of 10,262,000 persons according to the census of 1956. Thus the density in general attains 4.1 persons per square kilometre in general, and 14.6 persons in the Blue Nile Province, which is considered the highest density in the Sudan.

It is clear that migration to the Sudan and possibilities of prosperous settlement there are too much to be compared with Egypt. In fact a certain number of Egyptians (about 20,000 persons) had migrated to the Sudan and established a good livelihood there.<sup>7</sup>

To return back to Nubia we may conclude that the migration of the Nubians, whether temporary or permanent, had contributed much to the poverty of Nubia since migration enlisted only the able-handed men. This state of affairs is readily reflected in the domain of agricultural activities in Nubia. Much of the burden of cultivation falls on the Nubian women in addition to a migratory seasonal labour from Upper Egypt.

## V

The Nile valley in Egyptian Nubia, though naturally very narrow, could, in the past and in certain places, provide the population with the barest necessities of life. Millet, barley and wheat were cropped in modest quantities. In addition, dates were a source of income as it was the main trading item of Nubia's production.

The Nubians used to till their meagre fields twice a year: once after the plain was free of the flood waters in winter, and the second in summer when the water level rises. Because the cultivated plain was always narrow, no ploughs were ever used, and instead the land was tilled by hoes. This implement was more efficient than the plough especially in the winter crop. The Nile water recedes leaving a very heavy silty muddy soil which would be difficult to work with a plough. After planting the seeds the Nubians make the least effort in tending the plant. This is so because the land has enough moisture after being under flood water for at least three months. This kind of

7. Though this number is unimportant as an absolute figure, yet it is very significant for Egypt. It is a well-known fact that the Egyptians are not counted as a migratory people, i.e., not like the Greeks or Lebanese. Thus, if we find 20,000 Egyptians in the Sudan, it means that they are the biggest Egyptian colony outside Egypt. It also means that cultural ties between both countries are strengthened by a common lebensraum.

cultivation is known in Sudanese Nubia as "Seluka" cultivation, but we never heard this term in Egyptian Nubia. When the water rises in summer, the Nubians cultivate higher levels. This meant a necessity for using irrigation implements to raise the water. Some old Egyptian implements were and still are used in Nubia. These are the Shaduf<sup>8</sup> and the Saqia.<sup>9</sup>

We have no account of summer agriculture in Nubia in the past, but we can well imagine that the land cultivated by such implements were rather isolated small plots. Travellers of the 19th century<sup>10</sup> tell us that such crops were cultivated to provide the people with vegetables, melons, etc. In other words they were in a sense a kind of kitchen gardens. This view is strengthened by the fact that a Shaduf's daily (8 hours) output of water varies between 25 and 40 cubic meters, which would be sufficient only for one-fourth of an acre or even less if we consider the intense heat of summer in Nubia. Saqia's output of water per day would be sufficient only for one acre, and can serve only four to five acres the whole season around.

Since the building of the Aswan Dam in 1902 and its consecutive heightening in 1912 and 1933, not only the flood valley was drowned under the water of the reservoir for eight months every year, but also the natural course of the river was reversed. Instead of high water level in summer (flood time) the high level now is attained in winter, when the sluices of the Dam are closed. These new conditions resulted in a drastic change in the economy of Egyptian Nubia. No winter crop (which was the major crop of Nubia) is harvested any more except in very few places where pumps were installed and worked by the Egyptian Government in certain project areas. In other places, industrious Nubians had built terraces of minute dimensions for growing some vegetables.

Summer became the season of agricultural activity though formerly it was the secondary season. But due to the fact that the land becomes free from water for only a period of three to four months every year, summer crop is usually uncertain except in the southern part of Egyptian Nubia, where this period extends to five months. There is not enough time for the crop to ripen. Thus cultivation became mainly directed towards ensuring animal fodder, saving some expenses for buying their own provisions. But because there is always some hope

8. The Shaduf is a lever made of two wooden posts worked by man-power to lift water from a pool or the river up to a height of 2 to 3 meters. Levels more than that may be irrigated by two or more Shadufs erected on different levels, so that one Shaduf may take its water from the Shaduf below.
9. The Saqia is a wheel drawn by oxen or cows. It can raise water up to 4 or 8 meters. It is easily adjusted to varying depths, by lengthening or shortening the ropes to which jars are attached.
10. Burckhardt, J. L., "*Travels in Nubia*", London, 1819.  
Ruppel, E., "*Reisen in Nubien und Kordofan und dem Petraischen Arabien*", Frankfurt, 1829.

that there would be enough time for the crop to ripen, the Nubians usually plant edible crops. If they are lucky they would consume the crop and leave the stalks to dry and be used as dry fodder in winter. If the sluices of the Dam were closed earlier than usual (which happens in the cases of exceptionally low floods) then the fields are hastily harvested and dried for their animals.

The Egyptian Government had recompensated every Nubian property, whether fields or buildings, affected by the waters of the Aswan Dam. Thus all the lands which the Nubians cultivate since then is governmental land. The Nubians use this public land on their own risk, and naturally do not expect any compensation. Yet the Government gives the Nubians some donations, either money or provisions, from time to time, in addition to certain pensions for old people who have relatives to support them.

The following table gives us a picture of agriculture in Egyptian Nubia before and after the construction of the Aswan Dam :

TABLE 3

<i>Season of agriculture</i>	<i>Before Aswan Dam</i>	<i>After Aswan Dam</i>
Shitwi (winter) Nov.-March	(Partly Saqia) Barely, Beans, Kashrengieg <sup>11</sup> , Lubia <sup>12</sup> , Tabac, Wheat (rare), lentil, and melons.	Negligible. Saqia and Shaduf. only small terraces. Kitchen-gardening.
Seifi (summer) May-Aug.	(Saqia) only in some places where soil is rich. Mostly millet.	No cultivation. Some terraces may yet be exploited.
Dimiri (flood & aftermath) Aug.-Nov.	Millet, Maize, animal fodder (stalk of millet).	North Nubia: Aug.-Oct. South Nubia: July-Nov. Millet, Kashrengieg, melons.

In Sudanese Nubia, where conditions of the river were not affected by the Aswan Dam, agricultural seasons and activities remained as they were in earlier times. Thus they are nearly the same as the above described conditions in Egyptian Nubia before the construction of Aswan Dam. The only difference is that the quantities are much larger than in Egyptian Nubia, because arable land was always larger. A change had befallen Sudanese Nubia, especially in the district of Dongola after the erection of some pump stations, which resulted in a safer crop on the one hand and a larger acreage on the other.

Animals are kept in few numbers by the Nubians. They consist of cows, sheep, goats and donkeys. Not each family has a cow, and in some villages only some 10 to 20 cows are all the wealth of the population. Sheep and goats are kept in fairly modest numbers.

11. Kashrengieg=(Latin) dolichos Lablab.

12. Lubia=(Latin) Lablab.

Donkeys are very few and camels are only reared by the nomad Ababda or Bishareen who camp on the Nile for some summer months.

Though the Nile abounds with fish of all sorts, the Nubians, as a whole, are not fish-eaters. Many villages in Egyptian Nubia have a kind of a taboo against fish. Thus, contrary to what one could have expected in this poor land, the Nubians rarely fish forbidding themselves a nutritious food on the one hand, and declining a source of income on the other. By impoverishing themselves, the Nubians gave the Upper Egyptian skilled fishers the golden chance to find more resources in the Nubian Nile.

## VI

We have already stated that all the Kenuz who live south of the site of the High Dam, the Aliqat, the Fadija, and the great part of the Sukkot would be affected by the water of the High Dam. The lake of this Dam would extend 500 km. from the Dam to Akasha, and its width would vary much from part to part according to the contour line 180 metres above sea level.

Thus the total number of people who should be transplanted to other areas outside Nubia are: 50,000 persons in Egyptian Nubia and about 50,000 persons in Sudanese Nubia.

The costs of the construction of the High Dam and the power turbines, the compensation to be paid to the Sudan Government and the people who are to be moved, costs of building new villages north of Aswan and in the Eastern Sudan, etc. may exceed 300 million pounds. This sum of money does not include the expenses paid by Egypt and other world organizations to save the antiquities of Nubia. All these expenses would be paid by Egypt. The benefits of such an expenditure are so big that they can hardly be assessed now. Increase in the acreage and cultivated lands of both Egypt and the Sudan and increase in the output of energy in Egypt are the feasible benefits of the High Dam.

But as no body knows where the limits of the lake of the Dam would precisely reach, the utilization of Nubia is left aside at the moment. We know that many dry vallies which debouch in Nubia would be flooded by the lake, at least its lower courses. The sheet of subterranean water would certainly rise in places now considered as irrecoverable desert. Water pumps, artisan wells, or spray irrigation where water would be conducted through pipes may be used to cultivate considerable area in Nubia. Or, at least, it may turn many places into artificial pasture land, organized scientifically to induce the nomads (Ababda and Bishareen) of the area to settle down and lead a prosperous life. On the basis of our own experience in these deserts we think that conditions are favourable for creating a successful economy of animal husbandry. Camel, sheep and goats



of the desert type are well adapted to ecological conditions which are by far severe in comparison with the projected artificial pastures we had in mind. Cows can be added to such an animal wealth. We have seen how cows live in present-day Nubia. Water is abundant but green fodder is a luxury. If the projected pastures are to be executed we are sure that living conditions for cows would be much better than what they are now in Nubia. We have spoken much about the possibilities of animal husbandry because we know that the ever-growing population in Egypt would consume more amount of meat.

The drowning of present Nubia, though emotionally a sad event, would never be lamented in the long run. It is proved beyond suspicion that Nubia in its present conditions is a land of poverty which cannot sustain its own very thin population. When Nubia is drowned we would have not lost much. On the contrary, possibilities of new and modern economic activities including fishing from the lake of the Dam, animal husbandry, and agriculture may at last recover Nubia.

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## **SOUTH WEST AFRICA: LAW AND THE MANDATE**

by

**SANJEEVA NAYAK**

*"The Republic of South Africa and the United Nations are both "inheritors" of circumstances of the past. The signature of the Mandate for the former German South West Africa on 17 December, 1920, created a specific legal situation. The problem handed down, was a legal one—that of determining how far the obligations deriving from the Mandate conferred by the League should, on the latter's disappearance, continue to be valid. It was neither expedient nor possible to cut the Gordian knot of the Mandate with the sword of politics":*

Francisco Cuevas Cancino, Representative of Mexico in a statement before the Fourth Committee on 8 November, 1962.

The case of South West Africa<sup>1</sup> is closely bound up with legal considerations. The mandate is a legal document conferring certain rights and obligations on South Africa as a member of the Commonwealth. The United Nations, from the beginning, has vacillated between legal and political approaches. This enabled South Africa to play on them alternatively to suit her purposes. To the people of South West Africa this seems to be an endless wrangle to procrastinate the dawn of freedom in their land. Though understandably impatient to be free, South West Africans are vigilant, tolerant and hopeful.

### **The Slippery Slope**

So is South Africa. She too believes that she can incorporate the Territory in the Republic preemptorily. She would have perhaps succeeded but for the vigilance of the United Nations. In 1946, General

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1. South West Africa has also been referred to as "the Mandate" and "the Territory". Similarly South Africa has been referred to as "the Union", "the Republic" and "the Mandatory."

Smuts sought the *permission* of the United Nations to incorporate the Mandate in the Union. To support his claim, he placed before the Assembly the results of the referendum, conducted earlier that year, in South West Africa. Secondly, he asserted that since the Territory was an integral part of the Union for twenty-five years, it should continue to enjoy that status. Nay, this should be confirmed by the United Nations to ensure the uninterrupted progress of the Territory by removal of uncertainty about future. These arguments did not carry conviction with the delegates. On the contrary they had opposite effect. They proved to be, for South Africa, the unintended steps on the slippery slope.

The reasons offered by South Africa did not sustain close scrutiny. The results of the referendum and the document<sup>2</sup> signed by the chiefs were unacceptable to the United Nations. It was a "closed" referendum. The Union had refused permission to "the representatives of the Institute of Race Relations and to Lord Hailey to go to South West Africa and observe the conduct of referendum."<sup>3</sup> Lord Hailey even doubted the results of the referendum. "These figures," he wrote, "could not be said of any substantive value. . . , at best, their opinions could only serve as an expression of preference for or against a change in the existing regime."<sup>4</sup> In the United Nations, General Smuts' claim was challenged. The strongest critic of the Union's proposal was "the Indian representative, Sir Maharaj Singh, who had himself lived in South Africa as a non-European and was able to enumerate in detail the discriminatory practices directed against the natives in the Union."<sup>5</sup>

The United Nations refused permission to South Africa to annex the Territory. South Africa was invited to sign a trusteeship agreement. The sullen Union refused to comply, but "informed the United Nations that it had resolved not to proceed with incorporation, but to maintain *status quo* and to continue to administer the Territory in the spirit of the mandate,"<sup>6</sup> South African Government further formally expressed its willingness "to continue its former practice of submitting annual reports regarding its discharge of obligations which had been imposed by the Mandate."<sup>7</sup> These proved to be empty promises.

In 1948, General Smuts and his United Party were defeated in the elections. The Nationalist Party came to power and has held the reins over since. Promptly it discontinued the practice of submitting annual reports to the United Nations. It denied the United

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2. Freda Troup, *In the Face of Fear* (London: Faber and Faber, 1950), pp. 106-7.

3. *Ibid.*, p. 107.

4. Lord Hailey, *An African Survey* (London: Oxford University Press, 1956), p. 173.

5. Troup, *op. cit.*, p. 174.

6. *Ibid.*

7. Hailey, *op. cit.*, p. 174.

Nations jurisdiction over the Territory. The Mandate, the new Government of South Africa maintained, has lapsed with the demise of the League. In other words, the Union refused to honour the commitments and agreements entered to by the previous Government.<sup>8</sup> Both under a parliamentary system of government and under international law this is unsustainable.

To prove its position, the Union proceeded to incorporate the Territory. In 1949, it passed the South West Africa Amendment Act providing six seats for Europeans in the Mandate in the House of Assembly and two in the Senate of South Africa. This had the consent and concurrence of Smuts' United Party, then in opposition. To mollify the United Nations, Mr. Eric Louw assured that this was not an act of incorporation of the Territory in the Union.<sup>9</sup> South Africa, thus, sought to present the United Nations with a *fait accompli*.

### The Advisory Opinions of the Court

The United Nations could not persuade itself to accept the Union's actions. It sought an advisory opinion of the International Court of Justice on the status of the Mandate and on obligations of South Africa. The Court announced its opinion on July 11, 1950, as follows:

"(1) South West Africa remained under international mandate assumed by the Union of South Africa on December 17, 1920.

"(2) The provisions of Chapter 12 of the U. N. Charter, providing a means whereby a territory may be brought under the trusteeship system, were applicable to S. W. Africa.

"(3) South Africa was not competent to modify the international status of S. W. Africa without the consent of the United Nations.

"(4) The international obligations arising from the mandate, including those to submit reports on the administration of S. W. Africa to the United Nations and to transmit petitions from its inhabitants, remained incumbent on the Union of South Africa.

"(5) The U. N. Charter did not impose on South Africa a legal obligation to place the territory under the trusteeship system.

"The Court was unanimous in its ruling on the first three points

8. Leo Marquand, "The South West Africa in Court", *The Sun*, Baltimore, 2 October, 1962.

Practically, South West Africa is the fifth province of South Africa. South West African Whites even participated in the referendum of 1961 about the desirability of South Africa becoming a Republic.

9. "This obviously violated the assurances given by Smuts to the United Nations." B.B. Brooks, *South West Africa, 1945-50, Union Province or United Nations Trusteeship Territory*; An unpublished dissertation submitted to University of Chicago in candidacy for the degree of M.A. in History, 1955, p. 62.

whilst the fourth was carried by twelve votes to two and the fifth by eight votes to six."<sup>10</sup>

South Africa defied this ruling by the Court. She did not submit annual reports required of her. Yet, she objected to the consideration of items relating to the Territory as important by the General Assembly within the meaning of Article 18 of the Charter and to be decided by two-thirds vote. The Union pointed out, by quoting the Court, that South West Africa is still a Mandate. As such the rule of unanimity must apply as it did in the League. The matter was referred to the Court for an advisory opinion. In 1955, the Court gave its unanimous opinion that such questions should be decided by two thirds votes of the Assembly.<sup>11</sup> This deprived South Africa her right to block the proceedings. By accepting the Court's opinion, only in parts, to suit her interests, South Africa exposed the limitations of the Court. To her, the Court's ruling was like Curate's egg good in parts.

The refusal of the Union to cooperate with the United Nations, which was still in its teething period, added to latter's difficulties. The question of examining written petitions and oral reports from the people on South West Africa became a bone of contention. The Court's opinion was, once again, sought by the harassed United Nations. The Court ruled, in 1956, that the United Nations could grant oral hearings to petitioners on matters relating to South West Africa. The Court also ruled that the original members of the League were competent to bring action against South Africa for her lapses. Two African nations—Ethiopia and Liberia—availed of this ruling to institute contentious proceedings against the Republic.

The introduction of *apartheid* in the Mandate, according to Ethiopia and Liberia, is gross violation of the terms of the Mandate. Sir Philip Mitchell, former Governor of Kenya, who had occupied many important positions in former British colonies including Tanganyika, wrote that the terms of the mandate were against discriminations in all forms "except such protective discrimination as backward people must have until they are able to stand on their own feet."<sup>12</sup> Even South Africa does not assert that Bantustan policy envisages the protection of Africans against the Whites.<sup>13</sup>

South Africa had raised four preliminary objections to the proceedings before the Court. She contended that :

"(1) ...With the dissolution of the League of Nations the mandate for South West Africa was no longer a "treaty or convention

10. *Keesing's Contemporary Archives*, July 15-22, 1950, p. 10840.

11. Emil J. Sady, *The United Nations and Dependent Peoples* (Washington, D.C.: The Brookings Institution, 1957), p. 131.

12. Sir Philip Mitchell, *African After-thoughts* (London: Hutchison, 1954), p. 67.

13. "There seems to be no clear view of the functions which the Reserves are intended to serve. ...." Lord Hailey quoted by Troup, *op. cit.*, p. 68.

in force" in terms of the statutes of the Court.

"(2) Neither Ethiopia nor Liberia were any longer "another member of the League of Nations" as the mandate required if they were to have a standing.

"(3) [it is] No "dispute" in the sense contemplated by the mandate was involved in the matters which Ethiopia and Liberia had asked the Court to decide.

"(4) There was in any event no dispute which could not be settled by negotiation within the meaning of the mandate."<sup>14</sup>

The International Court of Justice, on 21 December, 1962, "decided by eight votes to seven, that it had jurisdiction to adjudicate on the case of Ethiopia and Liberia alleging that South Africa had violated the mandate over South West Africa."<sup>15</sup> The Court recalled its advisory opinion of 1950 on the status of South West Africa and stated that "the obligation of South Africa to submit to compulsory jurisdiction had been effectively transferred to the present Court before the dissolution of the League of Nations."<sup>16</sup> The Court also pointed out that interpretation according to "the natural and ordinary meaning of the words employed was not an absolute rule, and that no reliance could be placed on it where it resulted in meanings incompatible with the spirit, purpose and context of the provisions to be interpreted."<sup>17</sup> The Court proceeded to elucidate that "Article 7 of the mandate referred to 'any dispute whatever' arising between South Africa and another member of the League" and rejected the claim that the dispute was not one which could not be settled by negotiation. Thus the decision of the Court not only scuppered the South African plan to tighten her grip over the helpless people but also pointed out the way to the future.

### **British Responsibility.**

The legal position of South West Africa is further clouded by the fact that the Mandate was conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Union of South Africa. Because, South Africa then, though "a Member of the League of Nations, was not considered to be completely independent."<sup>18</sup> Reporting on the referendum, held in 1946, the Union had stated :

"If there was one question that recurred more than others it was whether any change in the administration of the Territory would remove them from under the shadow of the Crown King

14. *Africa Digest*, London, December '62, p. 102.

15. *The Times*, London, December 22, 1962.

16. *Ibid.*

17. *Ibid.*

18. U.N. Document A/C. 4/SR. 1232, 4 December, 1961, p. 11.

George of England. Once assured that the change implied no departure from South Africa's partnership in the British Commonwealth of Nations, the Natives declared themselves fully satisfied on this point."<sup>19</sup>

The British Government naturally has a special responsibility towards the people of South West Africa regarding the manner in which the Territory was administered. "A special responsibility lay also with the other members of the Commonwealth, since at that time the Mandate, conferred on the United Kingdom had represented the Commonwealth in the group of Allied and Associated Powers."<sup>20</sup> Britain, then, enjoyed privileges not as the United Kingdom but as the British Empire. Some deem it necessary to seek an advisory opinion of the International Court of Justice on this point.

This opinion of India, Ghana and Nigeria is also shared by Tunisia.<sup>21</sup> Australia<sup>22</sup> and New Zealand<sup>23</sup> have, however, along with Britain, opined that the latter has no responsibility. Further, legal opinion on colonial matters views that "since the Mandate had been expressly conferred upon His Britannic Majesty, it was questionable whether it could be exercised by a Republic within the Commonwealth and it could certainly not be exercised by South Africa as a Republic outside the Commonwealth."<sup>24</sup>

The resolution adopted by the House of Commons on December 15, 1960, has not helped to clear the curdled water. The resolution read:

"That this House calls upon the government to take action in the United Nations and in the forthcoming Commonwealth Prime Ministers' Conference to ensure that the Government of South Africa carries out the solemn obligations it undertook in accepting the Mandate for South West Africa or surrender it to the United Nations so that alternative trusteeship arrangements can be made."<sup>25</sup>

Further light on the responsibility of the British Government in South West Africa has been thrown during the discussion of the South Africa Bill, following the withdrawal of South Africa from the Commonwealth. The opposition took exception to the provisions in the Bill regarding South West Africa. Mr. John Strachey said that

19. Michael Scott, *A Time to Speak* (New York: Doubleday and Company, 1958), p. 221.

20. U.N. Document A/C.4/SR. 1232, 4 December, 1961, p. 3.

21. U.N. Document A/C.4/SR. 1235, 7 December, 1961, p. 15.

22. U.N. Document A/C.4/SR. 1236, 6 December, 1961, p. 17.

23. U.N. Document A/C.4/SR. 1235, 7 December, 1961, p. 15.

24. Mr. Dingle Foot quoted by Mr. Yomekpe (Ghana), U.N. Document A/C.4/SR. 1232, 4 December, 1961, p. 3.

25. *Ibid.*, p. 15.

"the Bill treated South West Africa exactly as though it were a part of the Republic of South Africa. Thus, for the most part tacitly, but in one or two places overtly, it gave the seal of British Government approval to the grossly illegal annexation of South West Africa by the Republic of South Africa. South West Africa should have been dealt separately."<sup>26</sup> To some others, the Bill appeared to be "a quiet acceptance of the *de facto* annexation of South West Africa....." The British responsibility in the fate of the Mandate seems to be a point meriting closer scrutiny than it has evoked so far. It is, therefore, reasonable to seek an advisory opinion of the International Court of Justice.

### The Mexican Opinion

The delegate of Mexico at the Sixteenth Session of the General Assembly commented that "all the possibilities which the law affords of altering the existing situation have not been explored. It is often possible to use legal machinery and procedure to alter situations which already exist . . ."<sup>27</sup> He considered that "it would be worthwhile to explore possibilities afforded by international law for finding a way to settle the situation in South West Africa."<sup>28</sup>

The Mandate under international law is a treaty.<sup>29</sup> It follows naturally that the parties to a treaty must comply with its conditions. Non-compliance by one leaves the other two alternatives. Either the injured party demands fulfilment of the provision or demands abrogation of the treaty on that ground.

"This rule," he asserted, "rests on a principle of natural justice and is logical." Being a bilateral or synallagmatic agreement, the mandate can be revoked. A synallagmatic agreement recognizes the *lex Commissoria* principle of Roman Law as recognized by article 1184 of *Code Napoleon*. The existence of this rule is "clearly and indisputably recognized in international law." The authorities on international law though opine that "the violation of a treaty by one of the parties does not *ipso jure* and automatically bring about the abrogation of a treaty (or its "cancellation," as Oppenheim put it), *the injured party may unilaterally and at its discretion regard a treaty between itself and the party which has violated it as having been abrogated.*"<sup>30</sup> Admitting that this treaty is *sui generis* in character, he insisted that it is a real inter-

26. *Africa Digest*, London, April 1962, p. 162.

27. General Assembly Official Records, Sixteenth Session, *Statement made by the representative of Mexico at the 1226th meeting of the Fourth Committee*, U.N. Document A/C.4/507, 28 November, 1961, p. 4.

28. *Ibid.*

29. "The Mandate was in fact a sort of collective treaties or charters defining conditions under which the nations to whom conquered territories were to be assigned should discharge their trust; . . ." Mitchell, *op. cit.*, p. 64.

30. U.N. Document A/C.4/507, 28 November, 1961, p. 5.



national agreement.

Further, being a "continuing" treaty, it is not necessary to make explicit provision regarding revocation or termination. Generally such provisions are not explicit. Yet, the omission does not permit the defaulter to escape the legal consequences. The Mandate was a "sacred trust" and not "a sort of irrevocable free gift." Since the Mandate was neither designed to benefit South Africa, nor the League, which conferred it, it is only a treaty, whose violation would entail the normal legal consequences. The special nature of the mandate makes this the precise way of regulating the conduct of the Mandatory.

The revocation of the Mandate, then, is not only possible but also necessary. Recalling the annual discussions on the conditions prevailing in the Territory, the Mexican delegate listed a few of them. South Africa's failure to comply with her obligations towards moral and material development prescribed by Article 2 of the Mandate; by allowing only the White South West Africans to vote; by maintaining odious system of racial segregation in education and housing; by denying the right to form trade unions; by legally classifying workers as "servants" and their employers as "masters" and through various nefarious means South Africa has been guilty of practices which are in direct conflict with her obligations.

South Africa, he went on to enumerate, has also violated Article 6 of the Mandate. She has not reported to the United Nations annually despite the ruling of the International Court of Justice. The modification of terms of the Mandate unilaterally is a violation of Article 7. By arming only the European population and by establishing fortifications, South Africa has violated Article 4. Besides, a casual peep into the situation in South West Africa indicates that the Mandatory has long ceased to respect its international status.

In these circumstances, the Mexican delegate argued that the objective of independent South West Africa could be realized by taking the first step—revocation of the Mandate. Otherwise, the United Nations cannot legally dispossess South Africa and can only continue the present ineffective mode of persuasion. "There are some obligations which, by their nature, are not susceptible of direct enforcement. The willingness and desire to help a dependent population are not things that can be imposed by force...any action by the United Nations to enforce compliance would necessarily have to be limited and indirect so long as the Mandate was not revoked."<sup>31</sup>

At the last session, however, the Mexican delegate uttered a word of caution at the risk of courting unpopularity. He insisted that only the principal judicial organ of the United Nations can and should determine, even indirectly, "whether the Mandate is valid or invalid,

31. *Ibid.*, p. 14.

and to furnish the Assembly with solid grounds on which to base its decision to terminate the Mandate."<sup>32</sup> In support of his proposition, he recalled the resolutions of the General Assembly—"resolution 1016 (XI), which called for a study of legal action to ensure the fulfilment of the obligations assumed by South Africa; resolution 1142 (XII), which dealt, in part B, with legal action to ensure fulfilment of some obligations, pointing also to the possibility of securing from the International Court further advisory opinions in regard to the administration of the Territory in question; and resolutions 1247 (XIII), 1361 (XIV) and 1565 (XV), the second of which confined itself to drawing attention of Member States to the possibility of bilateral legal action, while the third congratulated the Government of Ethiopia and Liberia on having taken steps in that direction"—with legal implications.<sup>33</sup> He did not fail to point out that acceptance of the advisory opinion of the Court [vide resolution 449 (V)] involves "an element of United Nations constitutional law."<sup>34</sup>

The Afghan delegate did not accept these arguments. Classifying treaties as *traites-contrats* (treaties of a contractual character) and *traites-lois* (law-making treaties), he argued that "the mandate entrusted to South Africa by the League of Nations was neither an ordinary bilateral treaty nor a synallagmatic contract based on reciprocal obligations."<sup>35</sup> Pointing out the three parties—the League of Nations, the Mandatory State and the Mandated Territory—involved, he insisted that "there is no analogy between the *mandat* (authorization or power of attorney) in civil law and the mandate provided for by the Covenant of the League of Nations. The League of Nations definitely had the right to supervise the administration of the mandated territories, and although, under Article 22 of the Covenant, South Africa was always bound to render an account of the progress made in the Territory to the agent of the international community, the latter had no obligations to fulfil *vis-a-vis* the Mandatory.....It would be illogical, therefore, to classify the treaty which has given rise to the present situation in South West Africa in the category of *traites-contrats*. The mandate indisputably comes within the category of *traites-lois*."<sup>36</sup>

The Mandatory, then, acted on behalf of the League of Nations. He quoted Cavare to substantiate this point:

32. General Assembly Official Records: Seventeenth Session, *Statement by Mr. Francisco Cuevas Cancino, representative of Mexico before the Fourth Committee*, U.N. Document A/C.4/573, 8 November, 1962, p. 14.

33. *Ibid.*, pp. 6-7.

34. *Ibid.*, p. 9.

35. General Assembly Official Records: Seventeenth Session, Fourth Committee, *Question of South West Africa*, Statement made by the representative of Afghanistan before the Fourth Committee at its 1386th meeting, U.N. Document A/C.4/578, 15 November, 1961, p. 8.

36. *Ibid.*, pp. 8-9.

"The Mandatory does not act as the protecting State on the mere consent of the contracting State but acts on behalf of the League of Nations. It therefore does not possess exclusive authority; *it is fulfilling an international function*. The Mandatory must render an account to the League of Nations. The Covenant provides that an annual report must be submitted. A Mandates Commission has been established in the League of Nations. Discussions are held before it. The Mandatory State may justify its policy..... It would appear that sanctions could logically consist in a withdrawal of the mandate by the League of Nations, although this is not mentioned in the Covenant of the League of Nations."

Besides, the United Nations, under Article 39 of the Charter, "has the duty of finding a solution to any situation, in any part of the globe, which constitutes a threat to peace and security. By this very fact, the United Nations takes on to some extent, willy-nilly, the form of a supranational authority..... Since the United Nations has the power freely to establish new institutions, there is nothing to prevent it, from legal standpoint, from revoking South Africa's mandate—which is in fact an institution deriving from the international community—without having to ask the consent of the Court in the form of an advisory opinion."<sup>37</sup>

These are conflicting arguments. The United Nations, advisedly, has not rushed to hasty decisions, lest it be caught on the wrong foot. It has not passed any resolution revoking the mandate and is awaiting the decision of the Court. Nevertheless, all these intricacies cannot efface the fact that it is a legal dispute on "the interpretation of the Charter, but not on the Charter as a legal basis for the eradication of colonialism."<sup>38</sup>

### **"Sub Judice" without Substantiation.**

South Africa since 1960, has claimed that the situation in the Mandate cannot be discussed in the United Nations because it is *sub judice*, but has failed to substantiate this claim. Many a delegation at the United Nations suspects that the Republic is making a convenient umbrella out of this principle and using it as an alibi.<sup>39</sup> This inference is supported by the fact that she has not accepted the decisions of the Court in the past. Besides, South Africa has disregarded it whenever she had to make statements to answer the charges in the

37. *Ibid.*, pp. 10-11.

38. G. P. Malelasekara, Dawn of Universal Freedom, *United Nations Review*, July 1962, p. 23.

39. U.N. Document A/C.4/SR. 1233, 5 December, 1961, p. 23.

United Nations. These harassing tactics have not gone unnoticed. Tunisia pointed out that the principle of *sub judice* was "sometimes valid and sometimes not, according to whether or not the South African delegation had anything to say." No confidence, it was averred, can be placed in the statement made by the Republic.<sup>40</sup>

The provisions made in Article 38, paragraph 1 (c) of the Statute of the Court, it is argued, have relevance only in the case of substantive law. "The *sub judice* principle was not, however, a rule of substantive law....."<sup>41</sup> Besides, this principle had hitherto never been applied in private international law. One wonders whether it is applicable in public international law.<sup>42</sup> South Africa cannot, then, seek shelter under the penumbra of *sub judice* rule. Some even argue that the Court is a judicial organ, while the General Assembly is the political organ of the international community. Each has respective sphere of competence. The *sub judice* principle, therefore, cannot be invoked to prevent the Assembly from recommending measures of a political character.<sup>43</sup>

That is not to suggest that the principle should be thrown out of hand. An important ingredient in acceptance of the principle of *sub judice*, despite past refusals, is to accept in advance the decision of the Court as binding. On this South Africa has yet to commit herself. No amount of questioning, querying and even cajoling has secured from her a "categorical assurance."<sup>44</sup>

This, however, has not prevented delegations from expressing themselves. Mr. Koseziuko-Morizet (France) believes that "in invoking the *sub judice* principle South Africa had at least a moral obligation to accept the Court's jurisdiction....."<sup>45</sup> Mr. Morales (Chile) argued that "South Africa must accept that judgement since it was endeavouring to make use of *sub judice* principle."<sup>46</sup> But the studied silence of South Africa has stilled the hopes of many.

Some countries had ventured to suggest a solution to this avoidable impasse. They wanted the United Nations to await the decision of the Court. Once the Court decides, South Africa will have either to accept the decision or face action resulting from a possible appeal from Liberia and Ethiopia to the Security Council under the provisions of Article 94 of the Charter. Sweden was among them.<sup>47</sup> France pleaded for restraint lest a good case should unnecessarily be imperilled by hasty action and once the

40. U.N. Document A/C.4/SR. 1227, 1 December, 1961, p. 5.

41. U.N. Document A/C.4/SR. 1237, 8 December, 1961, p. 7.

42. U.N. Document A/C.4/SR. 1236, 6 December, 1961, p. 13.

43. U.N. Document A/C.4/SR. 1233, 5 December, 1961, p. 27.

44. U.N. Document A/C.4/SR. 1240, 11 December, 1961, p. 8.

45. U.N. Document A/C.4/SR. 1237, 8 December, 1961, p. 9.

46. U.N. Document A/C.4/SR. 1231, 4 December, 1961, p. 3.

47. U.N. Document A/C.4/SR. 1237, 8 December, 1961, p. 3.

Dr. Hussain visited the headquarters of the Arab League and was entertained to a lunch by the Secretary General, Mr. Abdel Khalek Hassouna. Welcoming the Vice-President as a guest of honour, Mr. Hassouna said: "In welcoming Dr. Zakir Hussain amidst us we pay homage in his person to the great people of India whose friendship we cherish and whose co-operation, goodwill and understanding we reciprocate." Paying tributes to the distinguished personality of Dr. Zakir Hussain as "one of the illustrious galaxy of Indian leaders who represent India at its best," the Secretary-General said: "His presence with us today is a concrete expression of the relations of understanding, goodwill and friendship which exist between India and the Arab world."

Dr. Hussain reciprocated these feelings with equal warmth. He said: "It is true that throughout centuries India and the Arab world had the closest relations not only in the field of trade but also cultural exchanges. Now what we need is close and active co-operation."

Addressing a gathering of Ministers, diplomats and educationists in the Cairo University where he was conferred an honorary doctorate, Dr. Zakir Hussain expressed India's sincere appreciation of "the understanding, sympathy and support we received from the government and people of the United Arab Republic in our difficulties with our neighbour China." Paying a rich tribute to President Nasser, Dr. Hussain described him as a man of vision who "symbolises in his transparent sincerity his great earnestness, his iron determination, his utter impatience with all that corrodes and corrupts people's soul, his passionate devotion to the ideals of peace and social justice."

Dr. Zakir Hussain also visited the Egyptian Museum, Tower of Cairo, Helwan aircraft factories and the Atomic Energy Organization at Inshas. He expressed his appreciation of the efforts of the U.A.R. scientists to use atomic energy for peace.

There is no doubt that the Vice-President's African tour has made a substantial contribution to the better understanding and growing friendship between the peoples of India and the countries he visited.

The African summit conference, held at Addis Ababa, Ethiopia, from May 22 to May 25, 1963, would go down as a very important landmark in the history of Africa. Among the Presidents, Kings and Prime Ministers who participated in the conference were Emperor Haile Selassie I of Ethiopia, President Gamal Abdel Nasser of the United Arab Republic, President Kwame Nkrumah of Ghana, President Sekou Toure of Guinea, President Julius K. Nyerere of Tanganyika, Prime Minister Tafawa Balewa of Nigeria, and others. King Hassan of Morocco boycotted the conference as he would not sit at the same table with Mauritania, sovereignty of which Morocco does not recognise. President Nicholas Grunitsky of Togo, who came to power after the assassination of President Sylvanus Olympio,

**Addis Ababa  
Conference**

did not attend as the African nations could not unanimously decide about inviting him to participate in the conference.

The summit was preceded by a meeting of Foreign Ministers of the independent African States from May 15 to May 22, 1963. They prepared the agreed agenda and drafted the resolutions for consideration by the Heads of States.

Unity of Africa and the liberation of still unfree peoples of the continent was the main theme of the conference. Inaugurating the conference Emperor Haile Selassie said: "Unity is our goal; Africa's victory though proclaimed is not yet total. This conference cannot close without the adoption of a single charter." He continued: "Today we name our first great task of liberation of those Africans still dominated by foreign exploitation and control." By name, he cited the Rhodesias, Angola, Mozambique and South Africa.

After four days' hectic deliberations a Charter of the Organization of African Unity<sup>1</sup> was signed by the Heads of African States. The principles embodied in the Charter are: the sovereign equality of all Member States; non-interference in the internal affairs of States; respect for the sovereignty and territorial integrity of each member and for its inalienable right to independent existence; peaceful settlement of disputes by negotiations, mediation or arbitration; unreserved condemnation of political assassination as well as subversive activities on the part of neighbouring or any other states; absolute dedication to the total emancipation of the African territories which are still dependent and an affirmation of a policy of non-alignment with regard to all blocs.

The Heads of the States proclaimed in the Charter that they will seek to reinforce African unity, co-ordinate their efforts to raise the standard of living, defend their sovereignty, eliminate the remnants of white, colonialism in the continent and promote international co-operation within the United Nations.

The supreme body of the Organization will be the Assembly of Heads of State and Government which will meet once a year. Then there will be the Council of Ministers which will consist of Foreign Ministers or such other Ministers as are designated by the governments of Member States. The Council will be responsible to the Assembly of Heads of State and Government and will co-ordinate inter-African co-operation. It will meet at least twice a year.

The General Secretariat will be the permanent administrative body under the Secretary General.

It was also decided to establish the Commission of Mediation, Conciliation and Arbitration to which all disputes between Member States would be referred. All Member States pledged to settle their differences by peaceful means.

The Assembly of Heads of States will establish such specialized com-

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1. For full text see Pp. 58—65,

missions as it may deem necessary, including the following: 1. Economic and Social Commission; 2. Educational and Cultural Commission; 3. Health, Sanitation and Nutrition Commission; 4. Defence Commission, and 5. Scientific, Technical and Research Commission. These commissions will be composed of the Ministers concerned or those other Ministers or Plenipotentiaries designated by the governments of the Member States.

In addition to the Charter, the Heads of African States adopted a number of important resolutions on current problems which Africa is facing to-day. As regards Southern Rhodesia, the conference reaffirmed its support of African nationalists and declared that if powers in Southern Rhodesia were to be usurped by white minority government, members of the conference would lend their moral and practical support to any legitimate measures which the African nationalist leaders may devise for the purpose of recovering such power and restoring it to the African majority.

On the problem of South-West Africa, they said that any attempt by the Republic of South Africa to annex it would be regarded as an act of aggression. Further, they reaffirmed the inalienable right of the people of South-West Africa to self-determination and independence.

It was further decided to break off the diplomatic and consular ties that existed between the African States and the governments of Portugal and the Republic of South Africa. The conference asked for an effective boycott of foreign trade with Portugal and the Republic of South Africa.

In order to give support for the liquidation of colonialism the Heads of independent States decided to receive on their territories nationalists from liberation movements and train them in all sectors. Each State will establish a body of volunteers in various fields with a view to provide the African nationalist movements with the assistance they need.

A special fund is to be created to provide financial assistance to the anti-apartheid movement in South-Africa. A delegation of Foreign Ministers will go to the Security Council to inform it about the explosive situation prevailing in South Africa.

The conference declared that Africa as a geographical region should have equitable representation in the principal organs of the United Nations, particularly the Security Council and the Economic and Social Council and its Specialized Agencies.

Africa was proclaimed as a denuclearized zone and an appeal was made to the European countries for the removal of military bases from Africa and disentanglement of African countries from the military pacts with the countries of other continents. The great powers were urged to sign a general and complete disarmament agreement under strict and effective international control.

In the sphere of economic co-operation it was decided to appoint a preparatory economy committee to study, in collaboration with the

governments and in consultation with the Economic Commission for Africa, *inter alia*, the possibility of establishing a free trade area between the various African countries and the establishment of a common external tariff to protect the emergent industries.

These momentous decisions taken by the conference indicate that the African leaders have cleared the ground for concerted action for their common problems. The fact that all Heads of African States could meet together is in itself an achievement. An unanimously adopted African unity charter is really a declaration of continental independence and inter-dependence. The summit conference also went a long way in promoting the cause of African unity as it would be evident from what Emperor Haile Selassie, the sponsor of the meet, said about the conference: "History will most certainly record it as a most significant point on the path to African unity, for unity and solidarity is the key to the progress and security of our dear continent."

President Sekou Toure of Guinea went on a visit of East Africa just after the African Summit Conference concluded at Addis Ababa. The tour was significant in that it was intended to promote African unity.

President Toure was given a great ovation during his week-long stay in Tanganyika. The jubilation on the occasion actually surpassed the joyful scenes witnessed at the time of Tanganyika's independence celebrations.

The distinguished visitor urged the people of Tanganyika to wholeheartedly support the ruling party, the Tanganyika African National Union (TANU), because he thought that their "unity through TANU and the Government will be a great gift to the whole of Africa."

The most important point which President Toure stressed throughout his East African tour was African unity. Speaking to a large public gathering in Dar-es-Salaam, President Toure said, "The tree of unity had been planted at the African Summit Conference and it was up to everyone in Africa—regardless of their colour—to help preserve the tree and nurture its growth." Further, he said, "In Africa there are black Africans and white Africans—Africans from all nations. But let us forget differences and work together."

In Dar-es-Salaam, President Toure visited the University College, the headquarters of the Tanganyika African National Union and other important places. Accompanied by President Nyerere, he went on a three-day up-country tour during which he visited the Williamson Diamond Mine at Mwadui and the Victoria Federation of Co-operative Union ginnery at Magu. Mr. Rashidi Kawawa, Tanganyika's Vice-President, accompanied the honoured guest to Arusha and Moshi.

At a civic reception, the Guinean President was honoured with the Freedom of the City of Dar-es-Salaam. In return, he honoured President



Nyerere by decorating him as a "Champion of the Order of Independence in recognition of his services towards the speedy improvement of living conditions in Africa and its liberation." Two other Tanganyikan leaders who were honoured were Vice-President Rashidi Kawawa who was appointed as a "Commander of the National Order of the Republic of Guinea," and Mr. Oscar Kambona, the Minister for External Affairs and Defence, who was appointed as an "Officer of the National Order of the Republic of Guinea."

In a joint communique issued at the end of the visit, President Toure and President Nyerere reiterated their support to the decisions taken at the African Summit Conference and expressed their determination to implement them. The communique stated that they had resolved to bring about direct postal, telegraphic and telephonic communications between all the states of the continent and were determined to bring about direct communication by air, sea and road among African states. They also expressed their willingness to promote exchanges in mass education and other cultural matters.

On his way home, President Toure, halted in Nairobi for a day to convey personally his greetings to Kenya's first Prime Minister, Mr. Jomo Kenyatta. The people of Kenya greeted the Guinean President with profound affection and warmth. Addressing the jubilant crowd, President Toure said, "We are all brothers in our common struggle in search for unity." The audience was greatly delighted when President Toure complimented Mr. Kenyatta saying: "He is not the leader of Kenya alone but a leader of Africa because he has done more than anybody else to liberate the continent."

Indeed President Toure's visit to East Africa has greatly contributed to the strengthening of the friendship between this region and Guinea. It has also helped in promoting the ties between the eastern and western parts of the continent which could not come together earlier because of their tutelage under the British and French colonial masters. President Toure's emphasis on the theme of African unity and co-operation was particularly effective because he is well known to be the first leader in the former French West African colonies to throw away the French colonial rule, and his contribution to African unity is also well recognised.

Mr. Jomo Kenyatta, who was sworn in as the Prime Minister of self-governing Kenya on June 1, 1963, described it as "one of the happiest days of my life." He said: "It is not celebration by one party as its election victory. Rather it must be the rejoicing of all the people of this lovely land of our progress towards our goal of independence." While sounding a note of warning to his audience he asked the people to remember that "we must work harder to fight our enemies—ignorance, sickness and poverty."

As an unusual step in the British colonial history, Mr. Kenyatta has

been entrusted with the portfolios of defence, internal security and foreign affairs which are normally held by the Governor till a colony achieves independence. Mr. Kenyatta's colleagues include Mr. Tom Mboya, Minister of Justice and Constitutional Affairs, Mr. Oginga Odinga, Minister of Home Affairs, Mr. James Gichuru, Minister of Finance and Economic Planning, and Mr. Peter Koinange, Minister of State for Pan-African Affairs. With a view to give representation to all sections of the people, Mr. Humphrey Slade, an European, and Mr. Fitz De Souza, an Indian, have been elected as Speaker and Deputy Speaker of the House of Representatives respectively and Mr. Chanan Singh, another Indian, has been appointed a Parliamentary Secretary to the Prime Minister.

The formation of Mr. Kenyatta's government was preceded by the General Elections in which the main contesting parties were the Kenya African National Union (KANU), Kenya African Democratic Union (KADU), and the African People's Party (APP). In a preface to the KANU election manifesto, Mr. Jomo Kenyatta, President of the Party, said that "there will be no place in Kenya we shall create for discrimination by race, tribe, belief or any other manner. The personal rights and safety of all and of their property will be protected." The manifesto had also made it clear that the KANU government would apply for Kenya's membership of the Commonwealth and follow the policy of non-alignment in external affairs.

Results of the General Elections amply demonstrated the popularity of the KANU with masses. It swept the polls in the elections to the House of Representatives by returning 64 members as against 32 won by the second strongest party KADU and 8 by the APP and the Independents each. In the Senate also the KANU won majority with its 18 seats and has secured the support of 2 Independents, whereas the KADU has 16 seats and the APP 2. In the Regional Assemblies, KANU and KADU control three regions each. The seventh region—North Eastern Border District—had no elections as the Somali population there boycotted the elections for they were not allowed the right to secede from Kenya and join the neighbouring Somalia.

The emergence of Kenya as a self-governing country has been widely welcomed all the world over. In a message of greetings to Mr. Kenyatta, on the occasion, Mr. Jawaharlal Nehru, India's Prime Minister, wrote: "We have watched with great interest and sympathy the progress of Kenya along the path of its destiny and are confident that under your wise and enlightened leadership, the people of Kenya, of all races and creeds, will prosper and progress and that Kenya will be a force for peace and understanding in Africa and the world."

Just five days after the achievement of self-government by Kenya, another very important and significant development took place in East Africa. At a historic meeting in Nairobi on June 5, 1963, Dr. Nyerere, the President of Tanganyika, Mr. Kenyatta, the Prime Minister of Kenya, and Mr. Milton Obote, the Prime Minister of Uganda, declared their

agreement on the establishment of an East African Federation. They said that this will be a practical step towards the goal of Pan-African unity.

The idea of such a Federation is not a surprise. Fifteen years ago, an East African High Commission was set up giving the three territories common currency, common railways, posts and telegraphs, and meteorological and research services. The Commission has since been succeeded by the East African Common Services Organization.

Under the Federation the areas in which the participating countries would work together will be economic planning, maximum utilisation of manpower and other resources, the establishment of a Central Bank, common defence programme and foreign affairs and diplomatic representation. Apart from a common market, there will be an end to inter-territorial customs controls and immigration facilities. Thus, the Federation will be a large economic entity, rich in natural resources, and will have an extensive market to encourage greater investment at home, and attract foreign capital by enhancing its prestige and influence abroad.

The Federation will have an area of 681,000 square miles and a population of 25 million. Further, the leaders of Kenya, Tanganyika and Uganda have stated that any of their neighbours will be free to join the Federation. Somalia, whose Foreign Minister, Mr. Abdulashi Issa, attended the Nairobi meeting as an observer, threw a hint that his country might join the Federation. Zanzibar, which achieved self-government on June 24, 1963, may also in all probability join the Federation. Some people thought that the issues like Kenya's North Frontier District demanding the right of secession and joining the Somali Republic might not augur well for Kenya. The African leaders, however, believe that "some of these territorial problems would be solved in the context of the East African Federation."

In order to implement the aim of the Federation, a Working Party consisting of representatives of the three governments has been set up to prepare a framework of the draft constitution. The Working Party would report back to a full conference of the East African governments, and in the third week of August a full scale conference would consider its proposals.

Thus, the East African Federation may become a reality shortly after December 12 this year when Kenya is scheduled to achieve her independence. The Federation is bound to contribute a great deal to the prosperity of the people of the area and will enhance the cause of Pan-Africanism. It might well prove to be a stepping stone in realisation of the goal of the United States of Africa.

Last month over 3,500 African workers of the Havelock asbestos mines in Swaziland went on a strike to press for the release of 12 arrested strikers, a minimum wage of one sterling a day, rejection of the new constitution and freedom for the colony.

Unrest in  
Swaziland

The tension rose further as the British troops, flown from Nairobi (Kenya), used tear gas to disperse the demonstrators.

Swaziland, the smallest and the wealthiest of the three British High Commission Territories in southern Africa, lags behind Basutoland and Bechuanaland in political development. Its progress depends upon the Republic of South Africa as it is economically dominated by the white population, three-quarters of which are South African citizens. South Africa provides her banking currency, transport, and many postal and telegraphic services. In addition, about 8,000—10,000 Swazis work in the Republic.

The constitutional development of the territory has not been satisfactory since the territory has always been coveted by South Africa and the tribal chiefs are too much concerned to safeguard their own powers and status. Under the present constitution the Resident Commissioner is at the head of the government and he is assisted by two advisory councils, which meet separately. The European Advisory Council is consulted on questions involving the Europeans; the Paramount Chief, the Ngwenyama Sobhuza II,—and through him, the Swazi National Council—is consulted on matters affecting Africans. These councils are not constituted on democratic principles and in practice the Ngwenyama consults only his close kinsmen.

The new constitution, announced on May 30, 1963, provides for a legislature of 24 elected members. There would be eight Europeans, eight nominees of the Swaziland Chiefs and eight others, of any race, to be elected from a national roll. There would also be four British civil servants and the British Commissioner.

The Executive Council would consist of the Chief Secretary, Attorney-General and the Secretary for Finance and Development and five members appointed by the British Commissioner.

No date has been announced for the introduction of the new constitution and the elections to be held under it.

The two main political parties have rejected the constitution as "racialist and discriminatory". The small but active Zangwe National Liberation Congress (ZNLC) has declared that it would boycott the constitution and the elections due to be held under it, and would continue to press for independence now only. The deputy leader of the moderate Swaziland Democratic Party, Dr. Allen Nxumalo, while rejecting the constitution, remarked: "We are very disappointed". Thus, the political advance of Swaziland has to be speeded up in order to lead it to self-rule by peaceful means.

The other two High Commission Territories of Bechuanaland and Basutoland have also to be prepared for independence. It will be better, therefore, if the British Government leads these territories to self-rule without giving undue importance to the European vested interests and the powers of the tribal chiefs.

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# THE CHALLENGE TO INDIAN PLANNING

by

Dr. D. K. MALHOTRA

The Chinese invasion of India in October-November, 1962 was not only a wanton transgression of India's borders but also posed a grave challenge to the whole concept and apparatus of Indian planning. One of the motives behind it seems to have been to throw a spanner into the moving wheels of Indian economy and demonstrate the failure of the methods of Indian planning in achieving economic growth. If this was one of the objects, obviously the attempt misfired because of the sharp reaction it provoked; the structure of Indian planning not only withstood the temporary shock remarkably well but will emerge somewhat stronger from the ordeal. A rigorous process of removing sources of weakness at the vital points has been set in motion and a grim determination is aboard to accelerate the building up of the economy on secure foundations. It may be useful to review this crucial phase in the short history of Indian planning against the background of earlier developments.

## I

The adoption of planning by India twelve years ago as an approach and method of economic and social advance within the framework of a parliamentary system of Government was in many ways a remarkable development. The approach underlying it was pragmatic rather than doctrinaire. It was adopted as a method which promises results, not as a dogma which has to be lived with at all costs. It might perhaps be pertinent to mention why planning came to be adopted at all. Soon after Independence, even much more than before, the realisation came that the much coveted freedom was actually a means, not an end; that it was a means to good life which should be achieved within the shortest possible time and that without economic emancipation political freedom would be incomplete and meaningless. During the struggle for freedom hopes of a better life had been aroused; a plank in the programme of struggle in fact was the sustained argument that poverty and economic stagnation were due to foreign rule. After freedom was won, hopes were aroused of an early improvement in the conditions of life of the common man. In the Constitution which came into force

in January 1950, the following basic, economic and social policies were set forth in the form of Directive Principles of State Policy:

"The State shall try to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life... The State shall, in particular, direct its policy towards securing (a) that the citizens, men and women equally, have the right to an adequate means of livelihood; (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; and (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment."

Some means had to be found to realise the hopes and fulfil the promises; some lever had to be operated, a fulcrum of the economy to be grasped. Planning in this situation offered a way of organising the effort for achieving progress. On the one hand, it carried conviction to those who had little faith in improvement coming about by leaving things to the tender mercies of free market mechanism and on the other, it brought the ball right into the people's own court because it was by their participation in planned effort that progress would come. Planning thus symbolised the act of a people taking charge of their own economic destiny.

The first five years of planning—1951-56—were devoted in large part to rehabilitation of an economy strained and weak ened by the last Great War and the Partition. The damage sustained by agriculture through the Partition was repaired, railway system was rehabilitated and foundations were laid for the development of industry, irrigation and power and the whole range of social services. This period ended on a note of success and buoyancy which was attributable partly to a succession of good agricultural seasons. Thus the Second Five Year Plan was launched in an atmosphere of hope and confidence; its objectives were larger and targets higher and one of its main objects was to widen and strengthen the industrial base by developing basic and heavy industries. The Plan did not, however, have a smooth sailing; within a couple of years of its commencement it ran into the rough waters of a foreign exchange crisis and had to undergo a number of trimmings, particularly in the sectors of industry and power. On the whole, however, the results were not too far out from the aims and comparing Indian economy in 1961 with that in 1956, it was easy to observe the new valuable assets that had been created, the structure of heavy industries including steel that was rising and the vast network of programmes of development that had been built stretching out to the farthest corners of the country. The rate of economic growth during this period was about 4 per cent per annum which, although it was somewhat less than what had been planned for, was quite encouraging for a developing country struggling out of centuries of stagnation.

In contrast to the Second Plan, the Third Plan was set afloat in a weather clouded with uncertainty and doubt; prices had been rising for some years, foreign exchange reserves had run down and with a none too hopeful export outlook the balance of payment position was giving cause for serious concern. Yet for an economy that had set definite goals for itself and that had either to advance or perish, there could be no going back. The Third Plan was drawn up in much larger dimensions than the Second Plan and it aimed not only at bigger and more rapid advances in the various sectors of the economy but also at a bolder and more determined effort for equalising opportunities all round and securing social justice.

When the Chinese launched their attack on 20th October, 1962, the Third Five Year Plan had run its course for about one year and a half. In the first year, agricultural production maintained a more or less steady trend and industrial production increased at the rate of about 7 per cent; the price situation improved, but the balance of payments position continued to remain difficult. The overall picture of the economy was one of general stability despite stresses and strains in individual sectors, particularly railway transport, coal, power and some varieties of steel. In the first half of the second year (1962-63), there were signs of improvement in some of the individual sectors which had been under strain; the output of coal, steel, aluminium, railway wagons and machine tools in April-September 1962 was significantly higher than in the corresponding period of 1961 and there was similar improvement in regard to the generation of electricity and the movement of freight. Industrial production was 7.2 per cent higher than in the corresponding period of 1961-62. The general level of wholesale prices, however, showed an upward trend owing mainly to an increase in the prices of foodgrains which in turn was due to a somewhat lower foodgrains production in 1961-62 as compared to 1960-61. The pressure on balance of payments continued during the period in spite of important measures taken to implement a policy of vigorous promotion of exports. The overall rate of growth of the economy in this initial period of the Third Plan was 2 to 3 per cent per annum, reflecting partly the greater difficulties of moving forward at bigger strides when the economy was being geared to a developmental effort of unprecedented magnitude but largely the slow growth in agriculture due in part to adverse weather conditions.

## II

At this stage came the Chinese aggression. The initial reaction naturally was to accord the highest priority to everything connected with defence and to do without or defer all avoidable expenditure, especially on new projects which had not yet started. However, it did not take long for thinking to crystallise about the bearing of the emer-

gency on the plans of development and on November 4, 1962, the National Development Council, the supreme policy making body in the sphere of planning, declared that the country's development plans were an integral part of national defence and that "the successful and speedy implementation of the Plan, with the necessary reorientation to meet this emergency, becomes all the more imperative". In his opening speech at the meeting of the Council, the Prime Minister, Shri Jawaharlal Nehru, pointed out that "the Plan is not something apart from national life; it is of the web and woof of it...while we think of what might be called war effort, we have always to think of the building up of the country as well...Even from the point of the war effort, we have to work all over the country in a variety of ways—in agriculture, in industry and many other ways which are necessary to produce the kind of India that we seek. The two are not contradictory. In fact they fit in. If we do not do that, the war effort will be lacking and the ultimate result would be very much lacking".

While the point that the Plan was a part of the national defence effort was emphasized, it was nevertheless recognised that the Plan had to be examined, the essentials should remain and the non-essentials might be eliminated, postponed or slowed down.

Of no less importance than this authoritative announcement of policy in relation to the Plan was the enormous support derived from the closing of ranks among the people (except for a section of the communists) and their standing behind the Government as one man. The representatives of the central organisations of employers and workers who met in a separate conference decided to call an industrial truce for the duration of the emergency. The country could not have desired more favourable conditions for the accelerated implementation of all that was essential in the Plan and that constituted ninety per cent of the Plan or even more.

### III

A series of decisions in terms of this national resolve followed and detailed action was initiated over the entire range of the Plan. In the field of industry, the steel industry was geared for achieving greater production and for stepping up the output of those categories which were specially needed for defence. Particular attention was given to the production of special steel and new priorities were drawn up for the distribution of steel. At the same time efforts were made to raise more coal and to build up larger stocks of it. The production of components in the automobile industry was increased and assembly lines built up to secure more rapid increase in production. Steps were taken to harness the total capacity of the engineering industry and machine tool factories were directed to work round the clock. The woollen textiles industry was enabled to obtain the supply of raw



materials in order to work to full capacity. Another important step was to review the priorities of industrial projects with a view to completing those which were well advanced, pushing forward others which were vital to future industrial growth and deferring or rephrasing a few which could wait or be slowed down.

Power programmes being closely linked to industry, measures were initiated to secure speedy realisation of the additional capacity target of 7 million Kwts. laid down for the Third Plan and the dates for the commissioning of some of the power projects were advanced. Particular stress was laid on operating power plants and system with the utmost efficiency and on restricting non-essential power loads.

Similarly the railways and transport and communication services were geared up to meet larger burdens thrown on them and the improvement of arterial roads to meet the requirements of defence was undertaken.

Agriculture as a major factor in determining the rate of national growth and maintaining food supplies was given special attention. The Third Plan targets in respect of minor irrigation, soil conservation and dry farming were raised substantially. Detailed programmes for securing immediate increases in the production of rice, millets and pulses were worked out and stress was laid on increasing the production of supplementary and protective foods like vegetables, fruits, milk, etc. Areas were also selected for the intensive development of cotton and oilseeds. Visits of high level teams of officers to the States were arranged with a view to ensuring that all the impediments in the way of rapid agricultural development such as inadequate coordination, shortage of certain supplies or credit and insufficient utilisation of irrigation potential were removed.

As a part of the effort for stepping up agricultural production, proposals were formulated for reorienting and intensifying community development and Panchayati Raj programmes. A scheme was drawn up for organising a Village Volunteer Force for consisting of able-bodied adult volunteers in each Panchayat area with the three-fold function of helping production, mass education and village defence; the production programme was to constitute the core of the work of the Force.

At the same time, greater attention was focussed on widening employment opportunities in the non-agricultural occupations in the rural areas and on gearing the production of small scale industries all over the country to the emerging defence requirements.

Even while the Chinese invasion was on, the Manpower Directorate in the Ministry of Home Affairs was entrusted with the responsibility of coordinating the work concerning manpower mobilisation and a Technical Manpower Committee was set up for developing appropriate training programmes for meeting emergency needs. Additional requirements of medical and engineering personnel for defence were

assessed and apart from special requirements and releases of personnel from civilian employment, measures were taken to organise special training programmes, accelerate the training process and improve the utilisation of available trained personnel.

To prepare the youth for the larger responsibilities which would devolve on them in the coming years of difficulty and to improve the quality of human material, steps were taken to strengthen the educational programme at various points. The coverage of the National Discipline Scheme was increased and provision was made for intensified courses of physical education for students in the higher classes. It was also decided to expand the NCC Rifles so as to include all eligible students in colleges.

All the operations in the economy, developmental and others, find their ultimate expression in certain levels of prices and price relationships. However, in a period of special stress and in an imperfectly organised economy, prices sometimes tend to fluctuate out of all proportion to the real situation in respect of demand and supply, thus creating major disturbances and distortions. Ever since the Chinese invasion, close watch has been kept on the price situation and among the measures taken to keep it in hand are control of credit, regulation of forward trading, control over the distribution of essential commodities such as foodgrains, textiles, drugs and medicines, kerosene etc., fixation of prices and enlargement of the network of fair price shops and consumer stores.

The comprehensive and all-embracing effort outlined above is clearly reflected in the larger outlays provided for the plan for 1963-64 and an unprecedented series of measures for the mobilisation of resources incorporated in the Budget for 1963-64. The Annual Plan for 1963-64 drawn up by the Planning Commission provided for an increase of over 20 per cent in the outlay over the previous year. The higher estimate of development outlay combined with additional defence outlay (an additional Rs. 108 crores in 1962-63 and Rs. 364 crores in 1963-64) necessitated fresh tax burdens of considerable severity, aggregating to Rs. 258 crores, which have generally been accepted by the people with courage and determination.

While the rupee content of the larger programmes of defence and development will be met by this intensive resource mobilisation, for the foreign exchange component, reliance will be placed on (a) a more vigorous export promotion effort and (b) assistance available from sympathetic and friendly countries, particularly from the United States, U. K., Soviet Union as well as Japan, West Germany, Canada, Australia and others.

Since the menace to India's territorial integrity is a continuous one and the effort to conserve and build up the economic strength of the people will inevitably stretch over many years, the importance of long-term planning is not being overlooked in the midst of pressing

problems of the immediate present. Work on the preparation of the Fourth Five Year Plan 1966-71 in the perspective of a fifteen year period 1966-81 has already been initiated and Working Groups have been, or are being, set up to review critically the progress of the Third Plan, to assess the position likely to be reached at the end of the Third Plan and to formulate programmes for the Fourth Plan in the perspective of a longer period.

In addition, both in current and long-term planning, the special requirements of development of the border areas have been fully recognised.

#### IV

Above is given a brief account of how the challenge to planning in a large democratic country is being met and how an answer is being found to the problem of combining speed in planning and in the execution of plan projects with the checks and balances and pressures, the clashes of wills, the meetings and consultations, the diffusion of responsibility and the difficulties of making quick decisions which are associated with the processes of democratic government. Planned progress in democratic society is revolution by consent; it aims at both economic growth and social justice and is based on the collective support of the people. Much is, therefore, at stake in the success of the large endeavour now being made, not only for this country but for many other parts of the world, especially in Africa and Asia.

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## DOCUMENTATION

### **CHARTER OF THE ORGANIZATION OF AFRICAN UNITY**

*In the background of Africa's past, the meeting of the Heads of African States, held at Addis Ababa, Ethiopia, from May 22 to May 25, 1963, constitutes an important landmark in the direction of African unity. The text of the Charter of the Organization of African Unity is reproduced below for the benefit of our readers.* —Editor

We, the Heads of African States and Governments, assembled in the City of Addis Ababa, Ethiopia;

**CONVINCED** that it is the inalienable right of all people to control their own destiny;

**CONSCIOUS** of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples;

**CONSCIOUS** of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in spheres of human endeavour;

**INSPIRED** by a common determination to strengthen understanding and collaboration among our States in response to the aspirations of our peoples for brotherhood and solidarity, in a larger unity transcending ethnic and national differences;

**CONVINCED** that, in order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained;

**DETERMINED** to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our States, and to fight against neo-colonialism in all its forms;

**DEDICATED** to the general progress of Africa;

**PERSUADED** that the Charter of the United Nations and the Universal Declaration of Human Rights, to the principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive co-operation among States;

**DESIROUS** that all African and Malagasy States should henceforth unite so that the welfare and well-being of their peoples can be assured;

**RESOLVED** to reinforce the links between our States by establishing and strengthening common institutions;

**HAVE** agreed to the present Charter.

## ESTABLISHMENT

## ARTICLE I

1. The High Contracting Parties do by the present Charter establish an Organization to be known as the "Organization of African Unity."

2. The Organization shall include the continental African States, Madagascar and all the islands surrounding Africa.

## PURPOSES

## ARTICLE II

1. The Organization shall have the following purposes:

- (a) to promote the unity and solidarity of the African States;
- (b) to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;
- (c) to defend their sovereignty, their territorial integrity and independence;
- (d) to eradicate all forms of colonialism from Africa; and
- (e) to promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

2. To these ends, the Member States shall coordinate and harmonise their general policies, especially in the following fields:

- (a) political and diplomatic cooperation;
- (b) economic cooperation, including transport and communications;
- (c) educational and cultural cooperation;
- (d) health, sanitation, and nutritional cooperation;
- (e) scientific and technical cooperation; and
- (f) cooperation for defence and security.

## PRINCIPLES

## ARTICLE III

The Member States, in pursuit of the purposes stated in Article II, solemnly affirm and declare their adherence to the following principles:

- 1. the sovereign equality of all Member States;
- 2. non-interference in the internal affairs of States;
- 3. respect for the sovereignty and territorial integrity of each Member State and for its inalienable right to independent existence;
- 4. peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration;

5. unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring States or any other States;
6. absolute dedication to the total emancipation of the African territories which are still dependent; and
7. affirmation of a policy of non-alignment with regard to all blocs.

## MEMBERSHIP

### ARTICLE IV

Each independent sovereign African State shall be entitled to become a member of the Organization.

## RIGHTS AND DUTIES OF MEMBER STATES

### ARTICLE V

All Member States shall enjoy equal rights and have equal duties.

### ARTICLE VI

The Member States pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.

## INSTITUTIONS

### ARTICLE VII

The Organization shall accomplish its purposes through the following principal institutions:

1. the Assembly of Heads of State and Government;
2. the Council of Ministers;
3. the General Secretariat;
4. the Commission of Mediation, Conciliation and Arbitration.

## THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

### ARTICLE VIII

The Assembly of Heads of State and Government shall be the supreme organ of the Organization. It shall, subject to the provisions of this Charter, discuss matters of common concern to Africa with a view to coordinating and harmonising the general policy of the Organization. It may in addition review the structure, functions and acts of all the organs and any specialized agencies which may be created in accordance with the present Charter.

### ARTICLE IX

The Assembly shall be composed of the Heads of State, Government or their duly accredited representatives and it shall meet at least once a year. At the request of any Member State, and approval by

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the majority of the Member States, the Assembly shall meet in extraordinary session.

#### ARTICLE X

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a two-thirds majority of the Members of the Organization.
3. Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organization.
4. Two-thirds of the total membership of the Organization shall form a quorum at any meeting of the Assembly.

#### ARTICLE XI

The Assembly shall have the power to determine its own rules of procedure.

### THE COUNCIL OF MINISTERS

#### ARTICLE XII

The Council of Ministers shall consist of Foreign Ministers or such other Ministers as are designated by the Governments of Member States. The Council of Ministers shall meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States, it shall meet in extraordinary session.

#### ARTICLE XIII

The Council of Ministers shall be responsible to the Assembly of Heads of State and Government. It shall be entrusted with the responsibility of preparing conferences of the Assembly. It shall take cognisance of any matter referred to it by the Assembly. It shall be entrusted with the implementation of the decisions of the Assembly of Heads of State and Government. It shall coordinate inter-African cooperation in accordance with the instructions of the Assembly and in conformity with Article II(2) of the present Charter.

#### ARTICLE XIV

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a simple majority of the Council of Ministers.
3. Two-thirds of the Council shall form a quorum for any meeting of the Council.

#### ARTICLE XV

The Council shall have the power to determine its own rule of procedure.

## GENERAL SECRETARIAT

## ARTICLE XVI

There shall be an Administrative Secretary-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government, on the recommendation of the Council of Ministers. The Administrative Secretary-General shall direct the affairs of the Secretariat.

## ARTICLE XVII

There shall be one or more Assistant Secretaries-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government.

## ARTICLE XVIII

The functions and conditions of services of the Secretary-General, Assistant Secretaries-General and other employees of the Secretariat shall be governed by the provisions of this Charter and the regulations approved by the Assembly of Heads of State and Government.

1. In the performance of their duties the Administrative Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each member of the Organization undertakes to respect the exclusive character of the responsibilities of the Administrative Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

COMMISSION OF MEDIATION, CONCILIATION AND  
ARBITRATION

## ARTICLE XIX

Member States pledge to settle all disputes among themselves by peaceful means and, to this end, decide to establish a Commission of Mediation, Conciliation and Arbitration, the composition of which and the conditions of service shall be defined by a separate protocol to be approved by the Assembly of Heads of State and Government.

## SPECIALIZED COMMISSIONS

## ARTICLE XX

The Assembly shall establish such Specialized Commissions as it may deem necessary, including the following :—

1. Economic and Social Commission;
2. Educational and Cultural Commission;



3. Health, Sanitation and Nutrition Commission;
4. Defence Commission;
5. Scientific, Technical and Research Commission.

#### ARTICLE XXI

Each Specialised Commission referred to in Article XX shall be composed of the Ministers concerned or other Ministers or Plenipotentiaries designated by the Governments of the Member States.

#### ARTICLE XXII

The functions of the Specialised Commissions shall be carried out in accordance with the provisions of the present Charter and of the regulations approved by the Council of Ministers.

### THE BUDGET

#### ARTICLE XXIII

The budget of the Organization prepared by the Administrative Secretary-General shall be approved by the Council of Ministers. The budget shall be provided by contributions from Member States in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty per cent of the yearly regular budget of the Organization. The Member States agree to pay their respective contributions regularly.

### SIGNATURE AND RATIFICATION OF CHARTER

#### ARTICLE XXIV

This Charter shall be open for signature to all independent sovereign African States and shall be ratified by the signatory States in accordance with their respective constitutional processes.

The original instrument, done, if possible in African languages, in English and French, all texts being equally authentic, shall be deposited with the Government of Ethiopia which shall transmit certified copies thereof to all independent sovereign African States.

Instruments of ratification shall be deposited with the Government of Ethiopia, which shall notify all signatories of each such deposit.

### ENTRY INTO FORCE

#### ARTICLE XXV

This Charter shall enter into force immediately upon receipt by the Government of Ethiopia of the Instruments of ratification from two-thirds of the signatory States.

## REGISTRATION OF THE CHARTER

## ARTICLE XXVI

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations.

## INTERPRETATION OF THE CHARTER

## ARTICLE XXVII

Any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organization.

## ADHESION AND ACCESSION

## ARTICLE XXVIII

1. Any independent sovereign African State may at any time notify the Administrative Secretary-General of its intention to adhere or accede to this Charter.

2. The Administrative Secretary-General shall, on receipt of such notification, communicate a copy of it to all the Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Administrative Secretary-General, who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

## MISCELLANEOUS

## ARTICLE XXIX

The working languages of the Organization and all its institutions shall be, if possible, African languages, English and French.

## ARTICLE XXX

The Administrative Secretary-General may accept on behalf of the Organization gifts, bequests and other donations made to the Organization, provided that this is approved by the Council of Ministers.

## ARTICLE XXXI

The Council of Ministers shall decide on the privileges and immunities to be accorded to the personnel of the Secretariat in the respective territories of the Member States.

## CESSATION OF MEMBERSHIP

## ARTICLE XXXII

Any State which desires to renounce its membership shall for-

ward a written notification to the Administrative Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organization.

## AMENDMENT TO THE CHARTER

### ARTICLE XXXIII

This Charter may be amended or revised if any Member State makes a written request to the Administrative Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two-thirds of all the Member States.

In faith whereof, we, the Heads of African State and Government, have signed this Charter.

Done in the City of Addis Ababa, this 25th day of May, 1963.

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## ACTIVITIES OF THE COUNCIL

The following is an account of the activities of the Council during previous six months:

### Students from Jabalpur

A batch of ten students, including four girls, studying for M. A. degree in Political Science with special emphasis on international relations in the Jabalpur University, visited the Indian Council for Africa on January 25, 1963. On their request, Shri Dinesh Singh, Deputy Minister for External Affairs and General Secretary of the Council, addressed them on India's policy towards Africa. He outlined India's support for the freedom struggles going on in different parts of Africa and referred to the common policy of non-alignment followed by India and most of the African countries. Leader of the team, Dr. S. R. Sharma, thanked Shri Dinesh Singh for enlightening the students on the subject of Indo-African relations.

### Scholars from Kenya

Mr. Gerald Muhia and Mr. Timothy Otanga, who were awarded scholarships by the Council, completed their six months' training at the Central Leather Research Institute, Madras and returned to Kenya in the end of February, 1963.

Before leaving India they went to Calcutta, Kanpur, Agra, Delhi and Bombay for two weeks' study tour during which they visited tanneries, leather markets, etc. During their stay in Delhi they visited the Council and paid courtesy calls on Shri Balvantray G. Mehta and Shri Dinesh Singh, Council's President and General Secretary respectively.

In a letter addressed to the Director of the Central Leather Research Institute, Madras, they wrote: "We would like to request you to be good enough to convey our most grateful thanks to all members of the Central Leather Research Institute who contributed to our happy stay and knowledge." In a letter to the Council they said: "We express our thanks for the very fine support given by the Indian Council for Africa in the form of scholarship. We hope this type of spirit will remain as the symbol of close friendship between the peoples of India and Africa."

The Council proposes to expand its scholarship programme when

more funds are available for the purpose. Meanwhile a scheme is being drawn up for introducing African students to Indian families so that they could have a correct picture of Indian family life. A number of families have agreed to co-operate in this programme.

It is also proposed to start classes from August, 1963 to teach Hindi language to African students and the staff of the African embassies.

### Greetings

In a message of greetings to the meeting of the Heads of African States held at Addis Ababa, Ethiopia, from May 22 to May 25, 1963, Shri Balvantray G. Mehta, President of the Council, wrote: "Our Council will follow with deep interest the deliberations of this historic conference and is confident that it will be an important land-mark in the cause of African solidarity and progress. We in India have no doubt that emergent Africa will occupy an increasingly important place in the councils of the world and in the work of maintenance and progress of world peace". Shri Mehta continued: "I take this opportunity of assuring the distinguished leaders who have gathered there that the struggles of the peoples of Africa for independence, progress and peace is a cause ever dear and sacred to us. We hope that the very friendly relations already existing between the peoples of India and Africa will continue to be further strengthened".

Felicitating Mr. Jomo Kenyatta on the happy occasion of his appointment as the Prime Minister of Kenya on June 1, 1963, Shri Balvantray Mehta wrote: "The people of India are at one with your countrymen in their aspirations, goals and endeavours for liberty, social justice, human rights, world peace and co-operation. With the tripartite statement on the setting up of the East African Federation coming in the wake of your election, we are convinced that the independence of Kenya can no longer be delayed on any pretext and we fervently hope that your country will pass on to the final stage of full independence smoothly and expeditiously".

### Visitor From Uganda

Mr. A. M. Kirunda Kivejinja, Secretary, Research and Information Bureau of the Uganda People's Congress, visited the Council on 14th June, 1963, and appreciated its library and other activities. Mr. Kivejinja's acquaintance with the Council was not new as he had evinced interest in the activities of the Council during his education in Delhi.

Before returning to Uganda, Mr. Kivejinja called on Shri Dinesh Singh, Council's General Secretary, and had talks with him on subjects of common interest.

**Library**

A Monthly Index of important articles and editorials on Africa appearing in several journals and newspapers received in the library of the Council is circulated among the high officials of the Ministry of External Affairs, individuals and public institutions interested in the study of African affairs, embassies, libraries, etc. This has been welcomed by all quarters.

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## BOOK REVIEWS

**AFRICAN ONE-PARTY STATES:** Edited by Gwendolen M. Carter (Cornell University Press, Ithaca, 1962, Pp. 501, \$ 7.25).

**African One-Party States**, edited by Prof. Gwendolen M. Carter, is a compendium on six African states following a "common outline." The states chosen are Tunisia, Senegal, Guinea, the Ivory Coast, Liberia and Tanganyika. Four of these six, are states on the west coast. Tunisia is the only state representing Arab Africa and Tanganyika is the only one from East Africa. Again, four of the six have strong French cultural and political impact while Liberia and Tanganyika reflect American and English influence respectively.

Although the volume is titled as African one-party states, the choice of states under study would not seem to follow any precise definition of a one-party state, and certainly the emphasis in the treatment is not on the one-party character of the states. As the editor of the volume has rightly pointed out in the introduction that "the experience gathered together on these six states suggests, however, that one-party states can differ widely in origin, practice and objectives and that no one category should compass this diversity." (p. 4). What is more, the one-party character of these states, the study suggests, "are clearly not totalitarian," as has generally been assumed. The product of dominant nationalism, the one-party states seem to have provided stability and continuity of the existing political regimes. The "centralizing role of the dominant party within a new state" also provides the answer to the challenges the new leadership is facing in bringing about a quick social and economic regeneration of the population. That explains also the mass support which these regimes seem to obtain, and not merely to strong personal leadership, as some observers of the contemporary political trend seem to suggest or try to explain otherwise in terms of African traditional political systems. Of course, these "long-range" and "long-term" investigations have admittedly not been attempted in this study. In fact, certain case studies point to the signs of rising opposition, mainly from the trade unionists, as the revolutionary fervour based on the slogan of anticolonial or even neo-colonial danger, is gradually dying down.

Of the individual case studies of one-party states, Guinea alone among the French-speaking West African states, corresponds most closely to the pattern of one-party state. Prof. L. Gray Cowan, who has contributed the chapter on Guinea, writes: "The Party Democratique de Guinea in the short period since independence has become a dominating influence at virtually every level of human activity in

Guinea. A body of doctrine and theory has been developed which establishes the party as the motivating force behind the operation of Guinea as a national community. Sekou Toure has frequently reiterated this fundamental principle of party supremacy..... Sekou Toure insists that the Guinean regime is not a single party system; the regime is itself the party and no distinction can be made between the two." (p. 177). And again: "The political theory of the PDG assigns a subordinate role in government to the cabinet, the legislature and the administration. Since the party assumes the direction and control in the nation, it follows that all other organs of government, without exception, must be subordinate to it." (p. 206).

If the chapter on Guinea offers the best treatment on one-party system in Africa, that on Ivory Coast by Virginia Thompson omits any direct reference to the role of the RDA. It is a penetrating study of Houphouet Boigny, its leader, and his pragmatic personal diplomacy. The emphasis here is not on party as it is on Houphouet, and his tactful handling of the Ivory Coast politics. The author of this chapter appreciatingly quotes Andre Blanchet: "Today one seeks in vain, for an open opponent of Houphouet amid old and young, bourgeois or proletariat, rural or towns people." (p. 276). This is too sweeping a generalisation, particularly in the context of Africa. In fact, the author herself acknowledges the existence of under-currents of opposition among the younger elements in the Ivory Coast in subsequent pages (p. 281 ff). This chapter has also some illuminating observations on intra-African relations and the external relations of African states.

Of the other states, Liberia and (now) Tanganyika offer comparable parallels to the one-party state system; but the two differ in the character of the one-party. In Liberia, its composition is oligarchic, composed mainly of the "Americo-Liberians", whereas in Tanganyika it has a mass following. Tunisia and Senegal do not offer strictly a one-party system. In both there are signs of other parties in opposition. The moderate leadership of Bourguiba and Senghor respectively in Tunisia and Senegal is more compromising.

The book has a mass of useful information on each country, of special value to those whose familiarity with French is too limited to use the literature in that language. Another feature of the book is that it provides a select bibliography, including original sources, on each country for the use of research scholars.

S. N. VARMA

*Department of African Studies, University of Delhi*

**THE NEW SOCIETIES OF TROPICAL AFRICA: A SELECTIVE STUDY** : By Guy Hunter (Oxford University Press, 1962, Pp. 376, 42s. net).



The tropical countries of Africa are passing through a period of rapid political transformation. With the decline of the colonial powers and the formation of sovereign national states the dark continent is assuming a new role in the world affairs. But the spectacular political events of recent years should not blind us to the sober realities of African societies. Most of Africa—specially the tropical Africa which is the subject matter of this study—is extremely backward. Politically these societies have undoubtedly become free but in terms of social and economic development these are still at the outskirts of the twentieth century. For some countries this would indeed be an over-generous assessment. Whether these societies will be able to resolve their complex problems within the framework of liberty and constitutional government is still a moot question. We in India certainly hope that they will do so. We will also view the efforts of African leaders to realistically grapple with their problems with sympathy and even friendly anxiety. Because, as we know it by now, the gaining of independence is relatively an easier job. The more difficult task is to show in practice that independence is a necessary precondition for an orderly and sustained progress.

As Guy Hunter shows with an admirable skill in this book the problems of tropical African countries are formidable indeed. These countries are not yet nations in the sense in which this term is understood in the West. Their own cultural heritage is far too limited. Their economic resources are meagre. Their experience in running an administration is generally quite inadequate. It is, therefore, obvious that African countries will have to make a large demand on the technical, the administrative and the economic know-how of the outside world. The author wisely suggests that not only these newly emerging countries should ask for aid but that it should also be given in a friendly spirit. It is in the common interest of both the European and the African countries that they should seek areas of fruitful co-operation and of combined endeavour.

The author, however, does not restrict himself to these generalities. He discusses the important economic problems of selected countries. He also has a strategy of economic development and even suggests specific economic policies for individual countries. His policy prescriptions are generally biased in favour of the development of agriculture on a priority basis. He does not exclude industrial development but thinks that modern industries should be left to the foreign enterprises. As Hunter sees the future, the small enterprises will be in the hands of Africans; the major industries will be either owned or controlled by foreign firms, and the development of public utilities will be the responsibility of the governments. The book is full of predictions. It is not for the reviewer either to accept or to challenge them. The qualified African readers alone can appraise these policies judi-

ciously.

The author discusses the political future of African countries at length. As he points out repeatedly the problems of each country are in a way unique. There are, however, certain traits common to all of these countries. These traits have been discussed with care; the ideological appeal of socialism throughout Africa is noted; the tendency for an authoritative system eventually to replace the weak political democracies is clearly pointed out and the inherent instability of a transitional political system is sharply exposed. In this field Hunter and his colleagues cover a vast ground.

In respect to the foreign policy orientations of these countries, Hunter says that for several reasons there is a possibility that "for a decade at least many African countries will, at least overtly, lean to the East; and that the West (particularly while the Portuguese colonies and Rhodesias remain under European rule) will have to suffer, as gracefully as it may, much violent attack. Africa needs a whipping boy, and we are cast for the part. But we should not read into this, even in Ghana, a deep and lasting hostility. On the contrary, the fund of goodwill and friendship from individual Africans, influential in their country, is great and firmly based." He adds that "to be impatient, to take offences, to seek to force the African hand either in military alliance or in political alignment will be futile." The above passage may not represent the African attitudes in a favourable light or even correctly but it does contain a wise counsel for the Western powers. Thus, throughout this book the author has tried to speak sometimes to Africans and at other times to Europeans. He has tried to build a bridge between the Africans and the Europeans who are undoubtedly divided by an enormous gulf of ignorance. These motives should be applied. But whether he has succeeded in this task is another matter.

Altogether it is a good book, well worth the serious study of a non-specialist who is desirous to have an authentic introduction to the contemporary Africa. The reviewer enjoyed reading the book and gladly recommends it to others.

C. K. JOHRI

*National Council of Applied Economic Research, New Delhi*

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## SELECTED BIBLIOGRAPHY ON AFRICA

Compiled by K. H. PATEL

*This feature is presented every quarter with the object of providing a list of recent publications on Africa. It is hoped that this will be helpful to those who are specially interested in the study of African affairs.*

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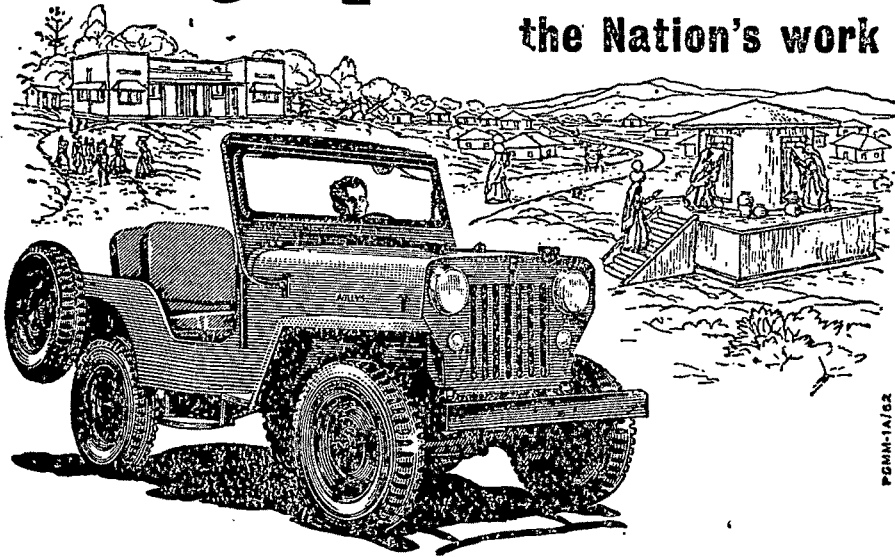
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# AFRICA QUARTERLY

A Journal Of African Affairs

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No. 2

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## Note To Contributors

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## **CONTRIBUTORS TO THIS ISSUE**

Dr. T. O. Elias is Attorney-General and Minister of Justice in the Federal Republic of Nigeria.

Dr. A. K. Datta is a Reader in the Department of African Studies, University of Delhi.

Mr. B. I. Chukwukere is a Ph.D. candidate in the University of Edinburgh.

Mr. Nirmal Kumar Bose is Director of the Social Anthropological Survey, Government of India.

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## GANDHI AS SEEN BY AN AFRICAN

by

DR. T. O. ELIAS

The significance of Gandhi's life lies not so much in his philosophy as in his practice of it. It is given to few divines to follow their own instructions. Gandhi died, as he had lived, a firm believer in the dignity of the individual, the worth of a human being. His life was a supreme example of the triumph of mind over matter, of the mastery of passion and the exercise of restraint in the face of grave provocation.

Once when he was travelling from Durban to Pretoria in a first-class compartment for which he held the right ticket, he was thrown out because he was a coloured man. At Charlestown he was manhandled because he had asserted his legal right to a seat. On another occasion, Gandhi was elbowed off a footpath in Johannesburg by an impertinent Afrikaner pedestrian. He was hurt but not soured.

Instead of reacting violently Gandhi answered with *satyagraha*. Literally the word means the demonstration of a firm resolve for love and truth. But in its political application, the concept is that social injustice and other forms of man's inhumanity to man should be met with a philosophy of non-violent opposition on the part of the weaker elements in the State. Within four years he began to translate his theory into action with the formation of the Natal Indian Congress in 1894. His aim was to stir the Government of South Africa into an awareness of the squalid conditions in which Indians lived in South Africa. It was to the merchant and the professional classes that Gandhi primarily addressed his austere message. No one appreciated it better than he did that *satyagraha* requires for its success a high degree of moral discipline and self-abnegation. But after the passive resistance campaigns of 1908 and 1913 failed to achieve results, it was the labouring classes that remained loyal to the principle of non-violence.

### New leadership

The Indian middle class complained that Gandhi's philosophy had merely served to reconcile the oppressed people of South Africa to their servitude. Accordingly, when the Cape Town Agreement of 1927 offered the chance of a subsidised return to India, nearly a quarter of the entire Indian population left the country. Again, many took advantage of the Pretoria Agreement of 1944 whereby Indians

were separated from the African masses in return for small economic benefits.

Since 1946, however, there have emerged wiser and more mature leaders who appreciate the common peril which all non-white peoples in the Union of South Africa face so long as they remain disunited. This new leadership has been more alive to the necessity of reconciling the intellectual presuppositions of *satyagraha* with Nehru's practical nationalism and has succeeded in building a bridge between Indians and the African National Congress in South Africa.

On Gandhi's return to India, the philosophy of non-violence impelled him to submit willingly to personal inconvenience and even imprisonment at the hands of the British authorities rather than offer violent political resistance. However slow this policy may have been in achieving results, it brought the Indian National Congress and the people to independence in 1947. This it did by enabling the entire populace of the Indian sub-continent to remain united and relatively calm until the attainment of the desired goal.

### **African echo**

Gandhi's teachings have since spread to other countries of Asia and Africa and have enriched their political thinking at one stage or another of the struggle for independence. The unwisdom of attempting to use violence to resist the overwhelmingly superior arms of the colonial authorities was obvious to all but the most rabid nationalists. Even today, one hears echoes of Gandhi's ideas in the old-world struggle between the Bantu and the Briton in the Central African Federation. And Dr. Jagan of British Guiana has recently let it be known that he too is prepared to follow Gandhi's teachings in his struggle to end British rule.

It is not too much to say that Gandhi belongs not only to the ages but also to all countries that set any store by self-discipline, high moral principles, disregard for pomp and ceremony, personal liberty, national self-determination and international peace.

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# URBANIZATION AND APARTHEID IN THE REPUBLIC OF SOUTH AFRICA

by

DR. A. K. DATTA

The term 'Apartheid' came into current use only after the Nationalist Party under Malan had won a decisive victory at the South African polls in 1948. And, although the ever-recurrent problem of the European in Southern Africa has been how to make segregation work, this was the first time when a mere 'Native policy' was placed on the respectable pedestal of an ideology coupled with attempts to implement it on a very wide scale.

Mr. K. L. Roskam, who has made a special study of Apartheid, indicates that the word Apartheid first appeared in the Afrikaners dictionary in 1950 which defined it as:<sup>1</sup>

"A political tendency or trend in South Africa, based on the general principles

a) of a differentiation corresponding to differences of race and/or level of civilisation, as opposed to assimilation;

b) of the maintenance and perpetuation of the individuality (identity) of the different colour groups of which the population is composed, and of the separate development of these groups in accordance with their individual nature, traditions and capabilities, as opposed to integration..."

## Contents of Apartheid

However, despite this dictionary meaning, the specific contents of Apartheid raise controversy even among supporters of the Nationalist Government, so much so that the policy has very aptly been characterised as a hydra-headed child about which Dr. Ellen Hellmann remarked some years ago that ".....though it speaks with an assurance and a fluency far beyond its nine years of age, the fact that it speaks simultaneously with these many tongues certainly detracts from its clarity of expression".

The diffuseness of the concept<sup>2</sup> of Apartheid, as evident from the

1. Roskam, K. L., *Apartheid and Discrimination* (Leyden-1960), p. 98.

2. See in this connection, Freedman, "Recent work on Race Relations", *British Journal of Sociology*, 1954, p. 347.



above statements, has a functional significance. In a way, it reflects the element of self-contradiction inherent in the concept itself, viz., the dilemma between the stress on territorial and, for that matter, all-round separation, consistent with the primary objective of grabbing African land, and the necessity of keeping an adequate African population close by, compatible with the aim of securing an easy supply of African labour for European enterprises.

It may be argued that the task of grabbing African land in the Republic of South Africa is complete as far as ownership goes. But 'race' consciousness has meanwhile developed other motivations, e.g., fear of Euro-African miscegenation, of insecurity as a result of concentration of large clusters of Africans in and around European settlements, etc. Hence territorial separation continues to be important in 'racial' thinking. But, as said above, given the dependence of South African economy on African labour, complete territorial separation remains an unattainable though, from the Nationalist viewpoint, a desirable goal.

### **The basic dilemma**

Understandably this conflict is manifested in divergent statements and public utterances of leaders of South Africa. Total territorial separation is emphasised whenever motives prompting it are uppermost in their minds. Conversely, the impracticability of complete physical segregation becomes apparent when the need for ensuring a steady supply of African labour to European enterprises is realised.

Not merely that. The divergence of opinion regarding the exact nature of Apartheid can also be related to various levels and points in the European social structure in South Africa. While broadly an overwhelming majority of Europeans out of material considerations may be said to be interested in "keeping the African in his place", their opinion as to the manner in which it can best be effected varies, depending mostly on their economic relationship with Africans. Thus to skilled and semi-skilled European workers territorial separation will be a blessing because it will free them from the African competition. But a European entrepreneur is painfully aware of how much he has to depend on unskilled African labour. The failure of the policy of Apartheid lies in its inability to solve the basic dilemma inherent in it. Its success consists in its uncharted course which allows varying, sometimes even competing, European interests to coexist under its nondescript umbrella.

The contradiction between theory and practice, illusion and reality is nowhere more glaring than in the urban areas. It is here that the economic integration of various communities is most pronounced. Bet-

ween 1932 and 1949 the total industrial employment (excluding mining and agriculture) of all races in South Africa increased by 247% whereas during the same period the number of Africans employed in that sector rose by 356%.<sup>3</sup> The extent of increasing absorption of the Africans in the country's industries is obvious from the fact that for every 1,000 non-Europeans (mainly Africans) employed in secondary industries in 1935, as many as 2,100 were so employed in 1946, while for every 1,000 Europeans employed in that sector in 1935, the rise in 1946 was only to 1,350.<sup>4</sup> This was naturally reflected in the expansion of urban population. Between 1921 and 1946 the increase in the urban percentage of the total population of various communities was as follows :-<sup>5</sup>

Africans	from	9.9%	to	19.2%
Europeans	„	44.5%	to	63.2%
Cape Coloured	„	34.4%	to	46.4%
Indians	„	45.4%	to	63.2%

And Ellen Hellmann indicates that the African urban population in 1951 marked a 76% increase over that of 1936.<sup>6</sup>

### Movement to towns

It is to be granted that compared to other ethnic groups, not all urban Africans are permanent settlers. As a matter of fact many of them come to towns for a limited period only. Mr. R. E. Philips, who has made a study of Africans on the Witwatersrand, remarks, "Africans from South Africa and the Protectorates work on the average for periods of between 9 and 11 months; they may re-engage at any time, and it has been estimated that nearly 40 per cent of Union Africans return to the mines within six months".<sup>7</sup> In another study of 20,000 Africans in East London, Dr. Monica Hunter came to the conclusion that 43% of Africans were permanently settled in the town.<sup>8</sup> Yet another survey of African workers of the Dunlop rubber factory in Durban, conducted by the Department of Economics, University of Natal, revealed that of the 7,578 jobs held by 2,231 Africans between 1917 and 1942, 50% of jobs lasted less than 6 months, 68% less than 1 year, and only 5% more than 3 years.<sup>9</sup>

Yet taking a dynamic view of the situation, it is evident that

3. Rheinallt Jones, J. D. "The Effects of Urbanisation in South and Central Africa", *African Affairs*, Vol. 52 (1953), p. 37.

4. Social and Economic Planning Council, Union of South Africa, *The Economic and Social Conditions of the Racial Groups in South Africa* (Report No. 13—Pretoria—1948), p. 40.

5. Rheinallt Jones, *op. cit.*, p. 39.

6. Hellmann, E., *Racial Laws versus Economic and Social Forces* (South African Institute of Race Relations—1959), p. 19.

7. Philips, R. E. "The Bantu in the City: A Study of Cultural Adjustment on the Witwatersrand", in *Social Implications of Industrialization and Urbanization in Africa South of the Sahara* (UNESCO—1956), p. 174.

8. Hunter, M., "An Urban Community", *Ibid.*, p. 191.

9. Department of Economics, University of Natal, "The African Factory Worker (Dunlop Factory, Durban)", *Ibid.*, p. 199.

more Africans are becoming less and less dependent on traditional means of sustenance. It is not merely that a larger number of them tend to crowd urban areas. Their average stay becomes longer. And what is more, many of them bring their womenfolk to towns. Even as early as 1934 Dr. Hunter found a rough parity of numbers between male and female Africans of East London.<sup>10</sup> Perhaps East London in the Cape Province did not in 1934 represent all the urban centres of the country. But there is reason to believe that the male-female ratio throughout South Africa tended to be increasingly more even with the passage of time. Indeed, figures quoted by Hellmann of the percentage increase of urban African population over the previous census indicate a much more rapid growth of the number of African women than that of African men:

**% increase over previous census<sup>11</sup>**

	<i>African Men</i>	<i>African Women</i>	<i>Total</i>
1921	7.1	50.3	15.5
1936	78.4	142.3	94.5
1946	46.8	79.9	57.2

The African movement to towns is only one example of a very widespread trend observable in many countries of the world, including India. In South Africa, however, for extra-economic reasons, it has involved the government in a unique dilemma. On the one hand, African urbanization is partly the result of the government's policy vis-a-vis African Reserves. Despite various attractions the city extends to simple villagers (the pull factor) many African workers would be content to live in their traditional homes. This is borne out by a sample survey of 260 African workers working at the Dunlop factory in Durban. When asked whether they would still like to work in an urban area, if there were factories in the Reserves, only 14% answered in the affirmative<sup>12</sup>. Similarly, in Prof. I. Schapera's study only 6 out of a total of 297 Africans said they had come to towns enamoured by the charms of urban life.<sup>13</sup>

### **Poverty main force**

It seems, therefore, that poverty is the main force which urges Reserve Africans to move to urban areas (the push factor). Indeed

10. Hunter, *op. cit.*, p. 191.

11. Hellmann; Ellen, "Urban Areas", in *Handbook on Race Relations in South Africa* edited by Ellen Hellmann (Oxford University Press—1949).

12. Department of Economics, University of Natal, *The African Factory Worker: A Sample Study of the Life and Labour of the Urban African Worker* (Oxford University Press - 1950), p. 109.

13. Schapera, I., *Migrant Labour and Tribal Life: A Study of Conditions in the Bechuanaland Protectorate* (Oxford University Press—1947), p. 121.

the underdevelopment of Reserves is proverbial. "One can tell Native areas from the map by seeking those areas which the main transport routes avoid."<sup>14</sup> An investigation carried out from 1943 to 1948 by the staff of the Industrial Research Section of the Department of Commerce at the University of the Witwatersrand under the direction of Professor C. S. Richards, adduces, among others, the following reasons for the outflow of African labour from Reserves to urban centres: increasing disequilibrium between urban and rural areas due to greater efficiency of exchange economy and increasing population pressure on land and the consequent impoverishment of Reserves, lack of development of Reserves because of restrictions put on the inflow of private non-African capital.<sup>15</sup> It is not that the Government are unaware of the situation in African Reserves. It is by a government measure that only 13% of the total surface of the country is reserved for Africans who constitute about 7% of the total population. And even this target has not been achieved, as the government have failed to fulfill the promises of the Land Act of 1936.<sup>16</sup> Consequently, given the man-land ratio, overcrowding in the Reserves is only too natural. As a matter of fact, repeated attempts have been made to draw the government's attention to the conditions of overcrowding, over-stocking, soil erosion and general underdevelopment in the Reserves by several commissions appointed by the Government. In 1932, the Native Economic Commission in its Report (U. G. 22 of 1932), warned against the operation of forces making for the creation of desert conditions in the Native Areas.<sup>17</sup> And the Report of the Commission for the Socio-Economic Development of the Bantu Areas (popularly known as the Tomlinson Commission) made a pointed reference to the atmosphere of "stagnation, of poverty of people and resources" prevalent in the Reserves.

### Government's failure

It is not suggested here that the government have, for some technical reasons, failed to develop African Reserves and that if and when active steps are taken towards that end, African urbanization will die a natural death. The implications of the governmental failure are deeper. In the first place, given the size and quality of reserved land for Africans, it is doubtful if the so-called 'Native' areas can be

14. Department of Economics, Natal University College, *Our Native Reserves* (South African Institute of Race Relations), p. 27.

15. See Van der Horst, Sheila T. "Native Urban Employment: A Study of Johannesburg Employment Records, 1936-1944", in *South African Journal of Economics*, 1948, p. 251.

16. Debates of the House of Assembly (Hansard), Vol 101, Col. 6126 (Speech by Mrs. Ballinger on May 19, 1959), Col. 6780 (Admission of the Minister of Bantu Administration and Development on May 27, 1959).

17. See Franklin, N. N. "Economic Welfare and the Development of the Native Reserves", *South African Journal of Economics*, 1942, P.1.

developed to the point of sustaining the entire African population of the country, as the pundits of Apartheid would have us accept. Indeed, neither the Native Law Commission (Fagan Commission of 1946-48) nor the Commission for the Socio-Economic Development of the Bantu Areas (Tomlinson Commission) could envisage a future wherein the entire African population could be accommodated in the 'Native' areas.

But then supporting the entire African population is a distant proposition. It is questionable if the Reserves can maintain even the existing African population settled therein. The Keiskammahoek Rural Survey, which claims to speak for "a vast area of 14,000 square miles inhabited by over a million persons", conclusively demonstrates that the land of Keiskammahoek "is entirely incapable of supporting so dense a population".<sup>18</sup>

Secondly, the government do not seem to be very eager to develop the Reserves. In fact, the underdevelopment of African areas is an indirect guarantee for the supply of African labour to European enterprises. The Keiskammahoek Rural Survey very truly says:

"So long as the native reserves are regarded as reservoirs from which industry can draw a constant supply of intermittent labourers, they will remain little more than dormitory suburbs, creches, infirmaries, and holiday resorts for the industrial workers in the city".<sup>19</sup> And latter, "... effective industrialization of the reserves will reduce and finally put an end to the flow of workers who at present circulate between the rural and the urban areas and on whose labour the mining and manufacturing industries of the Union have in the past so largely depended".<sup>20</sup>

### Urban Apartheid

Yet it is precisely here that the government find themselves on the horns of a dilemma. Given the dependence of the South African economy on African labour, African urbanization is inescapable or perhaps even desirable. On the other hand, if unrestricted, the African movement to towns is likely to outnumber and engulf the European population.

The answer to this problem is to control African urbanization without putting a stop to it altogether. Such control is exercised over the number of Africans coming to towns; the length of the period they spend therein and the extent of civil and other rights they are allowed to enjoy. The various legislative and administrative measures undertaken by the government to effectuate such objectives may collectively be characterized as urban Apartheid. Urban Apartheid is the arch-

18. Houghton, D. H. and Walton, E.M., *The Economy of a Native Reserve (Keiskammahoek Rural Survey, Vol. II, Pietermaritzburg, 1952)*, Pp.190-191, 176.

19. *Ibid.*, p. 192.

20. *Ibid.*, p. 193.

stone of the entire edifice of Apartheid. This is so not merely because African urbanization dramatizes the economic integration of different racial groups in the country. True, the two-fifths of the African population who still live in the Reserves are segregated for all practical purposes. But then those Africans numbering approximately 35% of the total African population who work and live on European farms also constitute an index of the African indispensability to the South African economy. But then this category does not highlight the inherent contradiction between economic integration and socio-cultural separation. Farm Africans are dispersed. They are more stable than either urban Africans or Reserve Africans as indicated by a more even male-female ratio among them. Living conditions, although deplorable, are not as strenuous as in urban centres. And perhaps the systems of expectations also are not as high as they are among urban Africans, with the result that frustration tends to be less. Hence, an open conflict which throws into bold relief the dilemma of Apartheid is of less frequent occurrence and is more easily checked on European farms. Small wonder, one hears of protests and resistance mainly from urban areas.

Considering the dismal state of Africans living in towns such protests are more than expected. We shall try to construct a picture of urban Africans from various studies and government reports. Ethel Wix, who conducted a survey of the cost of essential requirements for African families in Johannesburg, Pretoria and the Reef towns in 1950, concludes :<sup>21</sup>

(a) Remuneration paid to the great majority of African urban workers falls short of the minimum necessary for healthy existence.

(b) The same is the case even where the wife earns.

(c) The basic wage has remained constant in the three occupations employing the largest number of Africans (viz., commercial distributive, Municipal undertaking and building) at least in the previous six years and the cost of living allowance is not sufficient to meet the increased cost of essential commodities.

(d) A marked increase in food prices has a disastrous effect on the expenditure of Africans in Johannesburg who had to spend as much as 87% of their meagre income on this item alone. The corresponding figure for 1944 was 78%.

### A depressing picture

Similar findings have been reported by others. For example, a comprehensive survey carried out in 1939 by the Department of Social Sciences of the University of Cape Town, reveals that 6% of the European, 52% of the coloured, 20% of the Asian and 48% of the

21. Wix, Ethel, *The Cost of Living: An Enquiry into the cost of Essential Requirements for African Families living in Johannesburg, Pretoria and the Reef Towns: August-December, 1950* (South African Institute of Race Relations—1951), p. 20 and 24.

African families lived below the Poverty Datum Line.<sup>22</sup> Almost a similar conclusion has been reached by the recently published (September 26, 1962) report of a Natal University survey on the economic disabilities of urbanized Africans. The survey, which was conducted over 15 years, shows that not even 50% of the Africans living in the more highly developed areas of Natal could afford the minimum cost of maintaining an urban standard of existence. Yet another survey among Durban Africans presents the depressing picture of only 29% of African households having incomes above the poverty level even when the rent is excluded.<sup>23</sup>

Thus poverty with its various manifestations (viz., overcrowding, malnutrition and lack of healthy recreation) as also an unstable population with its attendant evils (viz., an abnormal sex ratio and its bad effects and absence of a sense of belonging to a primary group): all this sums up the conditions in which Africans live in towns. Such a state of affairs is not merely a veritable breeding ground of conflict but it also accentuates the difficulties of a transition from rural to urban conditions and from a subsistence economy to a money economy. Hence the urban Apartheid has become a testing ground for the success of the entire Nationalist ideology.

The enactments of the Government in this field may be categorised as under :—

A. those that control the African movement to towns either by restricting the number of would-be migrants or by limiting their period of stay;

B. those that seek to administer urban African affairs;

C. and other general measures discriminatory and repressive, which aim at 'keeping the African in his place'.

The most important device against the migration movement of Africans to towns is the pass system, the history of which goes back to 1809. Up to 1952, the passes were of a dozen different kinds ranging from residential permit to temporary visitors' permit and from curfew pass required after 11 p. m. to a pass to attend school. In 1952 the Natives (Abolition of Passes and Co-ordination of Documents) Act provided for a 'reference book' which contains in itself various permits and passes.

Another effective check on the horizontal mobility of the African is to be found under the Native (Urban Areas) Consolidated Act of 1945 (as later amended) which authorises magistrates to refuse permission to an African to stay in a proclaimed area

a) if there is a surplus of Native labour in the area

or

b) if the applicant is domiciled outside the area and has failed to

22. Hellmann, E. "Urban Areas", *Handbook on Race Relations*, edited by E. Hellmann, *Ibid*, Pp. 268-69.

23. *Africa Diary*, 1962, p. 806.

obtain a release from his previous employer. Further, under the Native Laws Amendment Act of 1952, any African may be removed from an urban area on the ground that he is "idle, dissolute or disorderly."

### A key factor

In addition, there are measures like the Industrial Conciliation Act of 1956 which block employment opportunities for Africans. Mention should also be made here of the Group Areas Act of 1950 (as amended in 1952) which seeks to delimit separate residential areas for different 'racial' groups. In a 'pure' group area the acquisition, holding and occupation of immovable property is restricted exclusively to a specific group.

The administration of urban African affairs, under the Promotion of Bantu Self-Government Act of 1959, has now passed over to the territorial authorities in the reserves which operate through various functionaries appointed by them. Indeed the Act denies the possibility of an African possessing his legal domicile in a town. Urban African locations thus legally become extensions of Native reserves—a fact which once again proves the government's eagerness to emphasise the temporary character of African urbanization. Since the territorial authorities in the reserves and their functionaries are far from democratic in nature, administration of African affairs in towns has virtually become the monopoly of the Native Affairs Department almost to the exclusion of both Parliament and the judiciary.<sup>24</sup>

Lastly, there are a whole host of other measures which affect the African throughout the country by discriminating against him as well as by ensuring the suppression of his resistance, potential or actual.

The main points which emerge from our discussion may be summarized as follows:

Urbanization is an inevitable process in South Africa, with her industrial expansion and lack of adequate development of the so-called Native reserves. This process involves the transfer of a large number of Africans from their rural base to mining and industrial centres, and, as such, it dramatizes the basic dilemma facing those who wield power in the country. Given the dependence of the South African economy on African labour and the present location of industries, this process cannot possibly be intercepted by the Government. However, by adopting diverse restrictive measures, they are trying to prevent the urban African from becoming permanently urbanized. The indigence of ill-cared temporary African migrants has created conditions that affect the law and order situation in urban areas, a

24. International Commission of Jurists, *South Africa and the Rule of Law* (Geneva-1960), p. 54.



state of affairs which has resulted in the governmental appropriation of a larger measure of coercive power. Thus, urbanization having proved itself an inexorable socio-economic process and the government being committed to the policy of apartheid, urban apartheid becomes a key factor in the success of the entire policy of apartheid.

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## **AFRICAN CULTURE AND MODERN AFRICAN EDUCATION**

by

**B. I. CHUKWUKERE**

*(A paper read at a seminar held at the Centre of African Studies,  
University of Edinburgh, in April, 1963)*

As you have probably learnt from the announcement about this paper—if you received any—my task is in a way a continuation of the central theme of the last paper, "Education and the Traditional Society." Dr. Ruel's stimulating treatment of his subject, if I may recall your memories, in which he endeavoured to show the inadequacy, if not complete absence, of traditional elements in the educational systems of various African countries, evoked lively discussion and revealed conflicting views from the floor, particularly the African members. Then it dawned on me that there was a pressing need to give more precise definitions or rather suggestions on what one means by phrases like 'African education,' and 'African culture' in relation to what we now call 'modern Africa,' i.e., an Africa which is a product of the various cultural influences that have considerably altered its original form. I also felt at that seminar that some of us—excusable though—took a rather lopsided view of education as if its only aim is to prepare a citizen for a useful role in his society, with bias on the material aspects of his social existence. Vast and fertile, if well cultivated, areas of human experience like the emotional, the aesthetic and the psychological were relegated to the background. (And it is quite easy to push these aside for they haven't the tangible qualities and immediate appeal of material achievements. More so in our world pre-dominantly controlled by materialism!)

### **Value of culture**

I should like to say without equivocation that it is these latter aspects, these materially unrewarding and non-sensuous regions of human life on which I wish to focus my attention. The cultivation of these non-substantial forms of the human personality is an integral part of proper education, i.e., education aimed at producing balanced personalities rather than mere automatons to man the various aspects of the machinery of the age. Here then we come to feel more than ever the value of a people's culture in their education. For it is from these items of traditional life that one's values, judgments and responses to various

and varied social stimuli take their firm root. One must have points of reference for evaluating one's actions, suggestions and views. An education that does not inculcate into its recipients these vital touchstones, if I may so loosely call them, produces in the main split personalities, superficial and rather dilettantish intellectuals. Ambivalence, lack of absolute confidence in oneself, recurring uncertainty, bewildering solutions to problems, especially moral ones, are some of the by-products.

(Let me not overstate my case. I'm not trying to find a panacea for our educational maladies in the inclusion of specifically African items of culture. But there is little doubt that a careful diagnosis will recommend a solution very close to it.)

The title of my paper\* is perhaps not quite apt. I had to choose it before I had actually worked out the dimensions of my essay. You will therefore find that I will devote more of my time to a criticism or detached exposition of the old colonial form of education, and less time to stating more positively on what rung of the ladder I would wish African traditions placed in African education. If I should strike the nail right on the head I should reframe my title thus: "Has African culture any value in modern African education?"

### Chain of processes

May I at this juncture say with all sincere conviction that I reject completely the view that there is nothing like 'African education.' To say so smacks of a complex. We do not, however, use the phrase in the sense that Dr. Verwoerd's South Africa knows, translates and fulfils it: a perverted justification of its celebrated philosophy of develop-in-your-own-way (a philosophy without any Greek root! South Africa, we all know, is in almost everything under the sun a different kettle of fish). We speak of African education in a similar sense as we can talk of American, British, French or even European education, although I must confess that the rather indiscriminate use of the adjective and noun—African—in many contexts renders its meaning obscure. Its meaning and use in West Africa is slightly different from the sense in the multi-racial countries of East, South and Central Africa. In the former it is either neutral or eulogistic: the people are proud of it; but in the racially mixed countries the term is more pejorative than neutral, depending on who the user is. We here shall retain the West African usage for it is the only true and undistorted sense of 'African.'

By 'education' in general, and by implication the African one I speak of, I mean a vast seemingly unending chain of processes—institutionalised or otherwise processes of instruction, transference of knowledge, acquirement and maintenance of what is so acquired for further transference

\*The original title was: *THE PLACE OF TRADITION IN MODERN AFRICA*. (i.e. with reference to *Education in Contemporary Africa*—the central theme of a series of seminars held at the Centre of African Studies).

(wholesale or modified), processes by which a citizen is better prepared to assume and play a responsible role in his immediate society on the one hand, and in the wider embracing confines of world society on the other. The seeds of such an education may not be wholly African in origin but they must be adaptable to the African soil and climate: spring up from African soil, develop and grow organically in its sunshine and heat and yield fruits essentially African in flavour. My definition is of course not 100% precise but I wish to stress that for any system of education to be worth its labour of planning and implementation it must take sufficient cognizance of the practical day-to-day needs of the present society as well as create in the individual recipient a sense of the past and all that is embodied in that sense. The basis of the balanced growth and maturity of one's personality derives considerably from one's knowledge of past generations. One can't successfully grow up in a vacuum. And modern or contemporary society is in a sense either a vacuum or just a gas bag easily deflated by a prick of the pin. The life of an individual is predominantly an adjustment to the patterns and standards traditionally handed down in his or her community.

By 'culture' I mean first and foremost the anthropological sense of it—and in which Dr. Ruel used it. That is the totality of a people's way of life. It embraces their institutions—past and present, their history—oral or written, their customs, technology—no matter how crude and rudimentary. About this use there's no dissension. But perhaps equally important is a second meaning of 'culture': the sense in which some English critics and scholars of the nineteenth century employed this rather slippery word. They, however, had a different intention which was largely to lift the British out of the dense fog of insularity which enveloped them and made them judge all questions by the yardstick of their Englishness. Matthew Arnold defined this 'culture' as "a disinterested endeavour to learn the best that is known and thought throughout the whole world."

### **Arnoldian view**

I consider the two applications of 'culture' vital to my thesis because while the former, the anthropological or more every day, lays greater emphasis on traditional and long-established values, the Arnoldian sense spotlights attention on the values of the present, with the implied note of the past as it is vividly contained in the present. The one asks for a wholeness within a specific setting, the other is eclectic: go on choosing; but, I must warn, choose with discrimination. This knowledge of what might be rather vaguely termed 'essential world culture' is perhaps at no time more urgent than our sputnik age: our world is shrinking fast and becoming micro. The educated African of this new era, in order to be with the Joneses of the world, has had to orientate himself towards the Western European way of thinking, living and even feeling. It is his

misfortune, that in this ill-planned westernisation most of his past heritage—its glory, achievements and failures—have been misunderstood and treated as a dead-letter, not even given the recognition of a museum piece.

Before I then go to suggest some aspects of African culture that could be incorporated in the curricula of African schools I should like—and I think it is desirable—to state and criticise briefly the type of education the European colonizing powers envisaged and implemented. Dr. Margaret Read in a small but charming booklet "Africans and their Schools" (published 1953) outlines this. (Dr. M. Read, a member of the Elliott Commission on Higher Education in West Africa which gave birth to the Universities of Ibadan (NIGERIA) and Legon, Accra (GHANA). She says, Britain and France—the two main powers we are concerned with—aimed at the emergence of a select group of Africans through whom effective relationship could be maintained between the metropolitan country and the colonies. The French were more emphatic and unambiguous in this. British policy although less so, was dominated by the same driving force.

### The colonial plan

Dr. Read's views are somehow an echo of an earlier official statement. The Advisory Committee for Education in the Colonies, an arm of the galaxy of experts in the British Colonial Office, in 1948 published a booklet "Education for Citizenship in Africa." The title shouldn't be interpreted to mean that there is a special kind of education for citizenship; for, they said, all true education is for citizenship. The Committee's terms of reference were: "To study the technique needed to prepare people for responsibility and to examine generally the problem of building up a sense of public responsibility, tolerance and objectivity in discussion and practice, and an appreciation of political institutions, their evolution and progress." I don't need to comment on this: the education is to be 'western' in form and content, African only geographically. Secondly, the Committee was specifically mandated to see how the educational processes (intra-mural or extra-mural) could be used for promoting good citizenship. Are we in doubt as to what 'good citizenship' connotes in this context? Indulge me this quotation: "to see if through careful education... the political institutions of western democracy, or the main principles inspiring them can be *rapidly and successfully transplanted in tropical Africa*." What an unbiological transplantation!

I must, however, point out to the credit of the members of this Advisory Committee that their report said: "If education is to be effective it must be based partly at least on local cultural foundations", i.e., propagate the alien culture by grafting it on to "a vigorous native stock." That, I think, sounds more biological. The education must take into account the social customs and institutions of the native society. They said—be

patient for another quotation: "Whatever the force and the value of examples drawn from modern Britain or ancient Athens, it seems on the face of it that education in Africa will lose much if it concentrates on the Cabinet or the Ecclesia and forgets that the village council existed in Attica or in Alfred's England as it exists in Ashanti today."

The foregoing sufficiently reveal why we must examine *de novo* the system, content and products of our education in Africa. One of the consequences of the colonial plan is the creation of an elite group, a comparatively few cognoscenti, between whom and the teeming masses of their fellow countrymen there is a wide social gulf. This is rather unfortunate in an essentially non-stratified society. Education, in my amateurish opinion, should be the image and reflection of society. The colonial type wasn't and isn't. It is a product of nineteenth-century Victorian utilitarian philosophy: what Charles Dickens called "hard-fact education" and which this same genius vividly satirised in "Hard Times." Bitzer, one of the principal characters of this novel, the boy who could parrot the definition of a horse—not without melopropisms of course—was a cold, ruthless, inhuman citizen: emotionally unbalanced, socially a misfit and aesthetically a Bohemian. He was a very bad citizen indeed.

John Stuart Mill, an eminent thinker of the age and recipient of this type of education, suffered a serious nervous breakdown later in life from which he recovered by reading the lyrical ballads of William Wordsworth (For the first time poetry became a cure!) The lesson of this is that education must embrace the cultivation of the sentiments. Education divorced from the sensibility of its products leads to bad citizenship. The questions are: Can the African sensibility be properly cultivated through a medium essentially un-African? Are not our so-called educated gentlemen often caught in the mesh of duality and conflicts? Are they not always confronted by hydra-like moral problems emanating from the conflict between traditional values—which they don't know or don't understand fully—and the more recent acquired western values—with which unfortunately they are not completely at home? The text books cannot offer a solution and no Hercules exists today to slay the hydra!

## Two deficiencies

I call this harm done to the personality of the educated African, this chasm left in the emotional, aesthetic and psychological areas of his life a 'dissociation of sensibility,' a phrase I beg to borrow from the jargon of literary criticism. T. S. Eliot used it to describe the era of rather wishy-washy English poetry following the great seventeenth-century metaphysicals, when style and content lost touch with the feelings and the pulse not only of the poet but also of the age. What was felt was not what was expressed. I think Leopold Senghor's *negritude* is a form of reaction against this dissociation. The French, we said earlier, had a tighter grip

on their own *evolves*, as they were called. I also find the theme of the tragic result of this education tellingly enacted by Chinua Achebe\* in "No Longer at Ease." I feel the tragedy could have been averted if the hero were sufficiently well placed to appreciate the ways of his own people. He would have tried to reconcile the old and the new.

I am not saying the world of fiction is true reality. But all good fiction—as Achebe's is—should present a verisimilitude of life. And some at times do translate real life. Achebe's is indeed true to reality. His hero is a representative of his detribalised select group.

What then are the main criticisms of this link-with-the-metropolitan-country kind of education and what do I suggest could be done to effect a remedy? Dr. Read points out two deficiencies:

(i) It ignores certain elements in African culture.

(ii) From results achieved it appears it is not well-adjusted to the economic and social needs of the African today. My concern is with the first. The attitude of colonial educators and missionaries, particularly the latter, was one of almost complete repugnance for African forms of artistic and cultural life. The Africans were made always to look 'forward' and 'outward' but never 'inward' and 'backward'. The prevailing dichotomy between 'savage' and 'civilised,' 'Christian' and 'pagan' reinforced the iconoclastic attitude of the missionary priests and teachers. African songs, dances, colourful ceremonies—even those not directly connected with religion, in the narrow sense Christianity interprets this universal social fact—were frowned at and ruthlessly suppressed in some cases. The missionaries enhanced the prestige of their Christian religion and way of life by the accompanying visible evidences, which were and still are indeed the seductive paraphernalia of the unquestionably technically-advanced European material culture. The spirit of their half-hearted followers was intimidated by the picture of after-life existence in 'heaven' and 'hell'. The people were used to the belief that the deceased became good or bad spirits, immune from further suffering or happiness.

### African art

Today, however, it is widely recognised that African culture has a distinctive contribution to make to modern education and society (thanks to the efforts of scholars and social scientists, especially social anthropologists and historians who have been proving with relentless vigour the socio-contextual limitations of various aspects of a people's way of life.) It is no longer, for example, widely believed that the symbolically rich and socially integrated complexities of African art are just a monstrosity, a product of the crude and primitive mentality working with crude and rudimentary tools in a crude and uncivilised society. An art

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\* Achebe is a Nigerian novelist whose first novel *THINGS FALL APART* may be well known to you.

critic in "The Sunday Times" (London) of February 3, 1935, Professor Firth, the anthropologist, reports, referring to African sculpture said: "Even the best of them take us down to the animal—never up among the angels! Therein lies the danger of their influence. . . There is time yet for us all to become savages." I wonder how many of them have been up to the angels! There is time yet, I can only hope.

The Africans themselves have been gradually awakened to appreciate the innumerable potentialities inherent in their traditional forms of life. They are "no longer at ease in the old dispensation—with alien people clutching at their gods." The drum is as much a musical instrument as, say, the violin or the clarinet. Sound it properly: the intricacies of its appeal do arouse the emotions and draw you, if you so desire, to the 'angels.'

With this new awakening, then, this African renaissance, African schools, colleges and universities should give back to their culture its lost birthright. Boys and girls should be taught to cultivate a high sense of regard for things distinctly African: local guitars, drums, wooden bells and flutes should be played; while in pursuance of my second sense of culture the trombone, the saxophone and the violin must not be wholly discarded. We are not advocating atavistic rejection of European culture. Local traditional dances, rich in immense bright colours and captivating in the highly expressive rhythmical body movements they lead to, should not be reviled as obscene while dancing to Victor Sylverster's tune in close body-contact of man and woman—itself immodest from the pure African angle—is not only encouraged but placed on a pedestal.

I understand the Principal of a West African training college, after careful experimentation with his own teachers in training, recommends certain specific items for inclusion in the elementary and secondary school curricula. These are music—instrumental and vocal; art—carving, modelling, pottery, drawing; dancing; and, above all, folk-tales, legends, riddles, etc. African culture, being an essentially pre-literate, unwritten one, abounds in oral traditions. For the universities and higher institutions of learning I should suggest a comparative study of African cultures. But I must mention that already in some of these definite steps have been taken in various countries of which I know a few. Recently in the newly independent universities of Accra, Ghana and Ibadan, Nigeria, Institutes of African Studies have been founded to promote research in various unexplored regions of African knowledge and learning.

All these practical steps taken are therefore positive although not yet conclusive.

### **The Clarion Call**

This change in attitude is then a healthy sign and strikes a hopeful note for future African generations. They also remind those of us who might feel that we are too old a dog to learn new ways, or who might liken



themselves to an exhausted swimmer in mid-ocean for whom returning to the shore is as difficult as going further: these remind us that the clarion call must be responded to. A recent UNESCO *ad hoc* conference held in Tenenarive (December 1962) embodies this new spirit. It was convened to consider the problem of "Africanising secondary school curricula." The aims of secondary education the conference outlined are:

- (i) To teach the young African about his national and regional background.
- (ii) To broaden his knowledge of his own cultural heritage.
- (iii) To stimulate this curiosity regarding world culture, so as to prepare him to participate in the cultural, social and economic progress of his country.

I need not say that this is a striking contrast to the official programme of the colonial era. It also embodies the essence of my definitions of education and culture.

Let's not, however, try to oversimplify issues. There are difficulties in actual practice. The past is unwritten; it is not so easy to reconstruct it from surviving oral traditions, folk-tales, proverbs and some institutions. The impact of the intruding culture was tremendous and in many cases anthropologically tragic. "Things," as the novelist Achebe adapted Yeats' lines for his first novel, "have fallen apart . . . the centre can no longer hold."

However some useful results will come out from honest efforts such as those being made in the various countries mentioned. Such results incorporated into our educational systems will promote an essentially modern African education, by first creating a proper historical sense, a consciousness of the past. Secondly, the inclusion of these elements will help to eradicate the psychological disease developing from a sense of being 'rootless,' just the products of the 'white' man's whims and caprices. Lastly, but perhaps first in importance, the young African will be better placed to understand and appreciate the process of cultural interaction which is a living reality of his world today. We educated Africans of today are emotionally, psychologically and intellectually inhabitants of a bipartite world, a world whose values rotate on two uneasy levels of recurrent friction. This disharmony, I postulate, is not intrinsic to the phenomenon that has occurred; rather it is because of lack of knowledge of how best to synthesise the elements of the indigenous and foreign cultures. Cultural expansion is not a new social fact.

### **Missionaries' role**

I hope in the course of my paper I have not given the impression that I am not aware of, or that I do not fully appreciate, the immense work colonial educators and Christian missionaries—particularly the latter—have done, are still doing, and I hope will continue to do for us. If this were an occasion to recount the more positive aspects of their tremendous contri-

butions through their unflagging zeal to sow the seeds of productive education in diverse African countries, then I would have been among the first to express my profound gratitude.

But, as all of you are now aware, my topic demands a critical examination of their achievements. And because, as I said earlier without mincing my words, because I placed my emphasis on those non-corporeal aspects of the human personality closely connected with the type of education one has received—mainly because of this, I could not but use all available evidences at my disposal to show how the exclusion of vital items of our African culture has yielded not too healthy fruits.

If I were to speak of education mainly in the sense of its material achievements—for the utilitarian needs of the present—then I would not have wasted the time of this assembly by suggesting a distinctive position for African culture in modern African education.

Above all, I hope that the people concerned with the plan of education in various African countries today will take into consideration this overwhelmingly important fact. It can't be over-emphasised. If they give serious attention to it, and pursue it with honest and vigorous efforts—I can only hope they will do so—then perhaps by the dawn of the next century they might be able to say with some breathing space, "the long day's task is done."

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## QUARTERLY CHRONICLE

by

K. H. PATEL

The Victoria Falls Conference, held from June 28 to July 3, 1963, in Southern Rhodesia, sounded the knell of the ten-year-old Central African Federation. The African people of Northern and Southern Rhodesia and Nyasaland had all along opposed the Federation which the white minority had imposed on them.

### **Dissolution of Central African Federation**

The conference, which unanimously decided to end the Federation by December 31 this year, was attended by delegates from Britain, Northern Rhodesia, Southern Rhodesia, the Federal Government and observers from Nyasaland. Dr. Hastings K. Banda, Prime Minister of Nyasaland, refused to attend it saying he had nothing to do with the Federation. Mr. R. A. Butler, Britain's First Secretary of State and Minister for Central African Affairs, presided over the conference.

The major problems facing the delegates were the future of the Federal defence forces, the future of officers of the Federal public service and the Federal debt, which British sources have estimated at £280 million.

The conference decided to set up a committee for dissolving the Federation and another for considering inter-territorial questions, including economic links. The dissolving committee will work out detailed arrangements for the reversion of federal functions to territorial responsibility. It will consist of officials representing the Governments of Britain, the Federation, Northern Rhodesia and Southern Rhodesia. It will have a British chairman. In particular, it will deal with the Federal public service and ways and means of dealing with Federal assets and liabilities, including the public debt.

The inter-territorial committee will be composed of officials representing the Governments of Northern and Southern Rhodesia and Britain. Federal officials will assist the committee in its work.

It was announced that both the Southern and Northern Rhodesian Governments were willing to take over a fair share of the federal liabilities and the public debt.

The conference agreed that as many officers of the federal public service as possible, of all races, should be absorbed in the territorial public service.

Mr. Butler emphasized the importance of inter-territorial collaboration after the dissolution. The essential core of association lay in shared economic arrangements "such as the common market in goods and

labour, and the joint banking, credit, exchange and currency facilities." There were also the common services, such as the Kariba hydro-electric scheme and the railways, which were of particular significance to both the Rhodesias and such matters as freedom of movement between the territories.

Northern Rhodesia is prepared to co-operate with Southern Rhodesia but she will do so only when Southern Rhodesian affairs are managed by the Africans themselves. Nyasaland has also agreed to co-operate now that the target date, December 31, 1963, has been fixed for ending the Federation.

With the dissolution of the Federation, Northern Rhodesia and Nyasaland will be very near to achieving full freedom. Southern Rhodesia, administered by a white minority, has also been clamouring for independence but Britain is understandably reluctant to concede her demand till she amends her constitution to ensure a more equitable representation for the African majority population. Any unilateral transfer of power to the white-ruled colony will certainly meet with strong opposition not only from Afro-Asian countries but also from other freedom-loving nations of the world.

In pursuance of the decisions taken by independent African countries at the recent Addis Ababa Conference, 31 Asian countries staged a walk-out at the 47th session of the International Labour Conference at Geneva on June 18 in protest against the presence of a delegation from the Republic of South Africa. Later, the delegations from Asia, Latin America, the Soviet bloc, Arab countries, Belgium, Sweden and Israel also walked out. Mr. Joseph Modupe Johnson, Federal Minister of Labour of Nigeria, resigned as President of the conference in support of the stand taken by the African delegations.

The conference decided, by 135 votes to 3 with 57 abstentions, to expel the South African workers' delegate. Several delegates had argued that he was not a true representative of his country's workers because no freedom of association existed there. The South African delegation was however adamant. A spokesman for the delegation said South Africa would continue to exercise its full rights as a member of the ILO and would ignore the resolution adopted by the ILO conference in 1961 calling on South Africa to withdraw from the organisation.

On July 9, 1963 ILO decided to exclude the Republic of South Africa from almost all ILO meetings, to provide for consultations between the U.N. Secretary-General and the ILO Director-General on a common approach to the problem of South Africa's membership and to urgently consider, at its November session, the question of amending the ILO constitution and taking other measures to achieve the objectives of the 1961 resolution.

That world opinion is becoming increasingly intolerant of the colonial policy of Portugal and the apartheid policy of South Africa was well demonstrated in the resolutions recently passed in the Security Council. The resolutions were an outgrowth of the decisions taken by the African Heads of State at their summit conference in Addis Ababa in May, 1963.

**Security Council  
resolutions against  
Portugal and  
South Africa**

Thirty-two African states had charged, in separate letters to the United Nations Secretary-General, that South Africa's apartheid policy and the situation in the Portuguese African territories threatened international peace.

The Security Council began consideration of the situation in the Portuguese colonies on July 20. Opening the debate, Mr. J. Rudolph Grimes, Secretary of State of Liberia, said that Portugal had totally refused to comply with the U.N. resolutions. There had been "brutal suppression" in Angola. Portugal had increased its military build-up there and expelled some foreign correspondents.

Mr. Nikolai Fedorenko, of the U.S.S.R., said the African states had come to the Security Council to find a peaceful solution. But if Portugal persisted in its policies, African states would come to the aid of the people under Portuguese rule. Such action would be legitimate, humanitarian and fully justified.

Speaking for Ghana, Mr. Alex Quaison-Sackey said the Portuguese policy in Africa was a stain on the record of decolonization. He called for an embargo on all supplies of arms, munitions and strategic material destined for Portugal.

Mr. Adlai Stevenson, chief delegate of the United States, said the African states had shown a sense of responsibility in coming before the Council. Their objectives were "clear and reasonable." The United States, he said, had steadfastly supported the principle of self-determination.

On July 31, 1963, the Council adopted, by 8 votes to nil with 3 abstentions (France, the United Kingdom and the United States), a resolution calling on Portugal to immediately recognize the right of the inhabitants of the territories under its administration to self-determination and independence and to enter into negotiations with their representatives for transfer of power, with independence to follow "immediately thereafter."

The Security Council further asked all nations to prevent the sale and supply of arms and military equipment to Portugal. It requested the Secretary-General to ensure implementation of its decisions and to report to the Council by October 31.

The Council rejected the Portuguese stand that its "overseas territories" were an integral part of metropolitan Portugal, deprecated the Portuguese Government's "repeated violations" of the Charter and its continued refusal to implement resolutions of the General Assembly and the

Council. The Council declared that the situation in the Portuguese territories "is seriously disturbing peace and security in Africa."

On July 31, the Council took up the second item on its agenda—the situation caused in South Africa by the Government's policy of racial segregation. South Africa refused to participate in the discussions which, according to her, were "matters relating to South African policy which fall solely within the domestic jurisdiction of a member state." The absence of South Africa on this untenable ground was regretted by the Council.

The Foreign Ministers of Liberia, Madagascar, Tunisia and Sierra Leone, who had been deputed by the Addis Ababa Conference to speak on its behalf, were among those who took part in the debate. Initiating the discussion, Mr. John Karefa-Smart, Foreign Minister of Sierra Leone, said part of the African Ministers' mission was to urge the Security Council "not to wait until today's counterpart in South Africa of yesterday's Nuremburg laws of the Hitler regime in Germany" led to the logical sequence of extermination camps "nicely camouflaged as Bantustan areas".

Mr. Louis Rakotomalala, of Madagascar, told the Council that South Africa would be liberated despite "all obstacles." "To the Government of South Africa," he said, "we very frankly say: 'This liberation will be carried out—with you, against you, or without you. Choose now between your anachronistic and dangerous concepts and respect for the foundations of the Charter. Prepare your compatriots and their children for a future wherein, shoulder to shoulder with the Africans, in equity, with fraternity, they will work together to build the South Africa of tomorrow.'" He added: "Let this appeal not fall on deaf ears because it is no longer 12 million coloured men, unarmed and defenceless, who stand before you, it is 200 million Africans, determined to free their brethren."

Mr. Adlai Stevenson, chief delegate of the United States, informed the Council that his country had stopped the sale of arms and military equipment, whether from government or from commercial sources, which could be used to enforce apartheid in South Africa or in South-West Africa. Mr. Stevenson stressed that the United States was taking this step because of its deep concern over South Africa's failure to abandon its apartheid policy and to discharge its Charter obligations.

Sir Patrick Dean, chief delegate of the United Kingdom, said: "That apartheid is evil as well as totally impracticable and will lead eventually but inevitably to disaster in South Africa itself has been and continues to be the view of the United Kingdom." He continued: "We have again and again impressed on South African leaders that they are, by their inadmissible racial policies, carrying their countrymen, of whatever race, to certain tragedy." He added that his government would not export arms which

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could enable the policy of apartheid to be enforced.

Mr. Roger Seydoux, of France, appealed to the South African Government to "create the conditions for peaceful and friendly relations between nations" by deciding to encourage respect for human rights and fundamental freedoms. He declared that the French authorities would take "all the measures they consider necessary" to prevent the sale to South Africa of weapons that might be used for repression.

The Security Council concluded the debate by adopting on August 7, 1963, by 9 votes to none, with 2 abstentions (France and the United Kingdom), a resolution calling on South Africa to abandon its policy of racial separation and on all states to immediately stop selling or shipping arms and ammunition to that country.

The Council further noted with concern the arms build-up in South Africa. It strongly deprecated racial discrimination in that country and called on it to abandon its apartheid policies and "to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid." It requested the Secretary-General to keep the situation under review and to report to the Council by October 30, 1963.

With the adoption of Algeria's new constitution on September 8, 1963, another country has been added to the increasing number of one-party states in Africa. The constitution legalized the single-party rule of the National Liberation Front (F.L.N.), at the same time banning all other political parties, including the Communist Party.

#### **New Constitution of Algeria**

The constitution was first drafted by F.L.N. cadres and then put up before the National Assembly for consideration. Later it was presented for the national referendum in which it got 99.8 per cent of the votes. In the Kabylie region, where Mr. Hocine Ait Ahmed, a former prison companion and now an opponent of Mr. Ben Bella, had called for a boycott of the referendum, the response was not so enthusiastic. In Tizi Ouzou, chief town of the Kabylie region, only 40 per cent of the electorate cast their votes. Eighty-one per cent of them voted for the constitution. In the town of Michelet (population 16,000), where house-walls were painted with slogans like "Down with dictatorship" and "Give the people a voice," at one polling booth, where 3,000 voters were registered, only 10 had cast their votes by lunch time. Citing the 99.8 per cent overall vote in favour of the constitution, Mr. Ahmed Ben Bella, Prime Minister of Algeria, declared: "This is comforting. The Algerian people have massively given sanction to the constitution and our year-old management. They have said what they think of what has happened in the past year. No one will contest this, not even those (opponents) who claim that the people will follow them. That is another affair which does not interest us. The Algerian people have voted for stability."

According to the new constitution, the F.L.N. will lay down

the broad lines of national policy. It will have control over the actions of the National Assembly and the Government. It will also nominate the presidential candidate.

The President will be the chief executive and head of the judiciary, the army and all national councils, including the economic council. He will nominate ministers and promulgate laws. In an emergency he can assume exceptional powers.

In August, Mr. Ferhat Abbas resigned the presidentship of the Algerian Assembly in protest against the new constitution having been drawn up by F.L.N. cadres outside the Assembly. Mr. Abbas declared that the Algerian people were being "muzzled and put into a strait jacket." He added: "The National Assembly has been deprived of its power. We have not yet come to be a police state, but if we are not very careful we shall shortly be one."

Later Mr. Hadje Ben Alla, organizer of the F.L.N. announced that Mr. Abbas had been expelled from the party. He denounced him as the flag-bearer of the bourgeoisie and said his departure was a "necessary purge".

Algeria's first presidential election under the new constitution ended on September 16. Mr. Ben Bella was the only candidate. It was announced that he had received 100 per cent of the valid votes. According to official figures, between 85 and 95 per cent of the electorate cast their votes. The figure for the Kabylie region was 52 per cent.

On September 20, Mr. Ben Bella was sworn in as the first President of the 15-month-old Republic. In a brief ceremony at the National Assembly he swore by Allah to uphold the constitution and defend the Algerian revolution.

<b>Somali Prime Minister Visits India</b>	Dr. Abdirashid Ali Shermarke, Prime Minister of Somalia, arrived in New Delhi on August 12 on a three-day state visit. On arrival at Palam airport Dr. Shermarke was warmly received by Prime Minister Nehru, some of his cabinet colleagues and diplomats.
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During his stay in New Delhi, the Somali Prime Minister had talks with Mr. Nehru, Mr. Humayun Kabir, Minister for Scientific Research and Cultural Affairs; Mrs. Lakshmi Menon and Mr. Dinesh Singh, Minister and Deputy Minister respectively in the Ministry of External Affairs. The talks were understood to have covered, among other subjects, the international situation with particular reference to issues concerning Afro-Asian countries. Dr. Shermarke was assisted in the talks by his Information Minister, Mr. Ali Mohamed Hirve.

At a dinner given in honour of the Somali Prime Minister, Mr. Nehru referred to the awakening of the African countries and said: "This is the most remarkable occurrence of the 20th century. We welcome the freedom struggle in Africa and we welcome its success."

Replying, Dr. Shermarke said: "It was a special honour for me to include in my travels the visit to India." He added: "I can see that



India and other Asian countries have been the cause of Africa's freedom because without the independence of India and other Asian countries, Africa would not have had its independence."

Paying a tribute to Mahatma Gandhi, he said: "Mr. Gandhi was not only an Indian figure, but an Asian figure. He was the first man to initiate the freedom movement in Africa."

A civic reception was also accorded to the Somali leader. Speaking on the occasion, Mr. Nehru said Somalia had asked for Indian doctors and technical training facilities in India for Somalia. India had agreed to meet the request as far as its ability allowed.

A joint communique issued at the end of the Somali Premier's visit said that the talks between the two Premiers had revealed close similarity in their general approach to world problems. The Premiers condemned colonialism and racial oppression in Africa and recognized that the prime need of the hour was the promotion of world peace and the lessening of international tensions. They welcomed the nuclear test-ban agreement among the United States, the United Kingdom and Soviet Russia.

As regards Somali-Indian relations, the communique said: "The two Prime Ministers noted with satisfaction that there is room for co-operation in many fields between Somalia and India. The Government of India has agreed to meet, to the extent possible, the requirements of the Somali Republic in respect of doctors, agronomists, veterinarians and other technicians. They affirmed the close and friendly relations which already exist between their two countries."

During his stay in India, the Somali Prime Minister visited the Taj Mahal at Agra and attended the Indian Independence Day celebrations.

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# DEMOCRACY AND INDIAN SOCIETY

by

NIRMAL KUMAR BOSE

An idea is prevalent that Indian society and civilization are not favourable to the growth of democracy. Institutions like caste and the joint family create the habit of obedience and subservience to authority. The tradition of *Karma* and *Dharma* also help to strengthen this feeling of obedience and satisfaction with the existing conditions. Some sociologists have therefore argued that as long as India is under the thralldom of these institutions or ideas it would not be possible to build up democracy. Without trying to argue by means of subtle logic, a social scientist finds it easier and more congenial to his temperament to discover by means of field evidence what is the exact situation. Even when caste and joint family reigned supreme were there not a substantial number of deviants? Were there also no revolts against traditionalism in the past? Did not Buddha at one time use the Law of *Karma* as an argument in favour of personal enterprise rather than of subservience to tradition?

With these questions in mind, the Anthropological Survey of India has been carrying on two enquiries in relation to caste and other forms of social institutions of a voluntary nature. What are the changes which are in evidence in these two institutions in recent times is the question which the Survey has set before itself.

The enquiry on caste has so far been completed in Orissa and nearly so in the State of West Bengal. Calcutta is divided into 80 municipal wards, studded with a very large number of local institutions of a voluntary character. These have also been subject to examination in order to find out what has been happening to them during the last 20 years or more. Some very interesting results have been obtained and it will be our purpose to present in outline the nature of the findings so far obtained.

## Caste in Orissa

It is interesting that the internal organization by means of which castes managed their own affairs in the past had become feeble in Orissa for more than a decade prior to the attainment of Independence in 1947. Each caste, particularly those which belonged to the artisan or the so-called "lower" groups, had its hereditary headman and also local panchayat which ruled over a small or big territory. In social

matters reference was made to the hereditary headmen. But they had already lost much of their influence prior to Independence. Except among the very poor rural castes the organization had practically ceased to function in respect of the major interests of life. The local panchayats belonging to castes like the Bhoi or cultivator still dealt with intimate problems affecting those who came under its rule. Marriages, breaches of contract, etc. were still within the range of operation of the local panchayats. In the case of urban and comparatively more prosperous castes like the Teli or traders in oil, the influence had become still further lessened. But with the advent of Independence when adult franchise suddenly brought a new political consciousness into being, people wanted to organize themselves in significant associations. And it is interesting that the first association along which this new integration took place was along lines of caste. The numerical strength of castes became a matter of great significance. Trade unions cutting across caste or municipal organizations had not yet developed to a sufficient extent when people were suddenly called upon to exercise their political rights through votes. People became more caste-minded as a result of this situation, namely, the lag in political integration along non-caste lines and the presence of a lingering tradition of panchayats from the past.

It is interesting also that although people have thus become more 'caste-minded', yet the nature of caste organization has itself been undergoing a significant change. The institution which governed the panchayats is itself being becoming democratized. Hereditary chieftainship is now being replaced by elected leadership. Elections as well as conferences held from time to time follow the pattern of Congress meetings. So that the democracy with which people have become familiar in the Congress as a political organization is now being imitated in caste organizations as well.

There is another interesting matter which is also observable in caste which seems to have come to life once more after independence. This consists of the fact that the immediate local and personal interests formerly dealt with by caste panchayats when they acted at the village level are now being replaced in a very fundamental manner. The demands made by caste associations now are hardly any longer related to the specific economic or social interest of the caste as such. The oilman, for instance, does not demand that his monopoly trade in oil seeds or in oil be guaranteed by the modern State. Instead, the demand is that the Government should help the caste by rendering primary education compulsory; by granting special facilities in various professions, and so on. The caste wishes to share the benefits of education like any other caste different from itself. Such demands naturally are common to many castes, but they are made separately for each caste on its own.

It is natural and perhaps expected that within a short time demands will be made by many caste organizations jointly in order to force the hands of the Government. But then the caste organization will no longer be an organization specifically concerned with the separate interests of the caste as such. Within castes there were formerly sub-sections which limited marriage to themselves. There is a strong public opinion for breaking this internal barrier. Caste organizations are therefore today more immediately interested in social reform of a kind.

Bengal went through a period of social reform from the time of Raja Ram Mohan Roy to very nearly the end of the 19th century. This prepared the social base for the growth of nationalism. But nationalism has come to other States in India even before the social foundation was made ready. So there is a demand all over the country, particularly in States which have been lagging in the modernization of society, to make up the leeway. This is increasingly in evidence in States like Orissa where a new life has been given to caste panchayats but whose ultimate purpose is to bring about social reform of a kind which the caste stands in need of along with other castes. The specific separatist interests of castes seem to have been forgotten in these heightened demand for social reformation.

The phenomenon of change in caste organization thus illustrates how the demands of modern times are pressing upon the old structure of caste and twisting it almost out of recognition. As an illustration, we are adding here a number of resolutions passed by the conference of oilmen in the city of Cuttack in the year 1959. A revised constitution was framed for the oilmen community, a substantial portion of which is reproduced here from the Anthropological Survey's Memoir No. 7: 1960 : *Data on Caste : Orissa*.\*

### CONSTITUTION

1. The name of the Association will be NIKHIL UTKAL TAILIK-VAISHYA MAHASABHA.
2. There will be a Permanent Committee with ten members from each district. A hundred and fifty members will be elected and an attempt made to enlist representatives from each district. There will be a Working Committee consisting of not more than 31 members from the Permanent Committee.
3. The Assembly (Mahasabha) will have a President, Vice-President, who will serve also as Treasurer, and three Secretaries. The annual meeting of the Assembly will be held in the district which extends an invitation. But the Permanent Committee will be in session twice a year. The Working Committee will sit four times. The quorum of the Working Committee will be formed by eleven members and the quorum of the Permanent Committee by fifty-one.

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See also pp. 64-66 of the book.

4. In each district, District Committees will be formed with elected members belonging to the district. These District Committees will be formed in accordance with the recommendation of the Working Committee.

Ten members of the District Committee will be nominated as members of the Permanent Committee for the first year. After the Working Committee has been formed, the Assembly will nominate two more members to it from any part of Orissa, chosen on account of their character, usefulness and rank.

### POWERS AND PRIVILEGES

1. In the absence of the President, the Vice-President, and in his absence, an elected member will act as Chairman. The Secretaries will distribute among themselves portfolios and will bear the responsibility of running the organization. The Vice-President and Secretaries will deposit all funds in the bank in the account of the Tailik-Vaishya Mahasabha.

2. Funds will be collected in each district for the organization of District Committees. Half of this will be spent in the cause of the caste in the district, and the balance deposited in a bank by the Vice-President and Secretaries.

### PURPOSE

1. The manners and customs prevalent among OILMEN are different in different districts. They vary even within a district. The Assembly (Mahasabha) will try to bring about uniformity.

2. Arrangements will be made to publish a journal which will contain information about the history of the caste and reforms brought about. Such history should be widely circulated.

3. The general session of the Assembly (Mahasabha) held in Puri on the 24th of May, 1959, accepts the above Constitution unanimously. The general session will have power to alter or add to the Constitution.

Proposed by Raghunath Sahu,  
Saroda, Ganjam.

Signed by the President

Seconded by Nityananda Chaudhuri,  
Bantala, Angul.

### RESOLUTION ON EDUCATION

1. (a) Excepting for a few, most members of our caste are very poor. They feel keenly the need of educating their children. Let us encourage the education of children and build up funds for grant of scholarships.

1. (b) Leaders (*adhihari*) of the caste will collect funds from their respective localities and after depositing them in a bank send a report to the Secretary of the Assembly.

1. (c) Subscriptions should be raised from the public for helping poor students and such collection should be kept in a bank.

1. (d) Representatives are requested to conduct a census of their localities and collect the number of students belonging to the caste studying in schools and colleges. Such information should be forwarded to the Secretary within one month from now.

1. (e) The Government have proposed to render primary education compulsory all over the country in its Third Five-Year Plan. Many in our caste have no knowledge of the value of education and do not, therefore, try to educate their children. Office-bearers in the District Committees should encourage education among children belonging to the caste.

1. (f) The number of girls being educated in schools belonging to the middle and high standards is negligible. Office-bearers and social workers of the caste should try to encourage female education. At least one or two scholarships should be set apart in each district for deserving girl students in middle and high Schools.

Proposed by Raghunath Sahu,  
Saroda, Ganjam.

Seconded by Nityananda Chaudhuri,  
Bantala, Angul.

### RESOLUTION REGARDING MARRIAGE

2. (a) There should be complete freedom without any prejudice among all sub-castes of OILMEN.

2. (b) No marriage should take place without the performance of Nirbandha or Engagement with the help of *Mahaprasad* (food sanctified by offering to Jagannath).

2. (c) No dowry should be demanded by either party. If anyone does so he should be outcasted.

2. (d) Fireworks\*, expensive illumination, processions, presents to relatives and such unnecessary expenses are prohibited in marriage.

2. (e) Marriage should not be arranged in the caste unless the parties attain a stipulated age, which should be 15 for girls and 21 for boys.

Proposed by Panucharan Sahu,  
Bhharajhula, Nayagarh  
Seconded by Narayanbandhu Sahu,  
Jamadeipur, Ranpur.

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\*A very common feature of marriage ceremonies in Orissa.

## Calcutta

We shall now describe here the work which has been undertaken by the Anthropological Survey of India on the voluntary institutions in the city of Calcutta. Calcutta is divided into 80 municipal wards, almost every one of which contains a fairly large number of voluntary institutions like clubs for physical development, libraries, theatrical clubs, welfare organizations, schools, charitable dispensaries, etc. It is interesting to observe that before Independence most of these organizations were run under the patronage of one or more men of local influence. These were either the zamindars or professional people like the lawyers, engineers and educationists. The leaders were often presidents or patrons but took an interest in the organization and helped it whenever necessary by means of funds or their personal guidance. The actual management was in the hands of a few elected representatives but in many institutions some individual remained as the secretary for a long number of years. For, if one took an active interest in an organization selflessly he was trusted and others would generally try to support him from a distance. The management would be mainly his responsibility. After independence, the zamindari system has been abolished, taxes have been raised to a large extent and the Government has taken upon itself the responsibility of financing many of the institutions which have already been in existence. Two kinds of significant changes have come about in the managing committees of a substantial number of these institutions.

It is to be recalled at this stage that some institutions have not been affected by recent changes. These are educational or welfare organizations run by the different churches. They have not yet been changed but those which were more directly managed by local bodies have been undergoing a common change. The old patronage formed by educationists, lawyers or landlords is being replaced by that of leaders who are important in the political field. There is keen competition between different political parties like the Congress, the Forward Bloc, the Communist Party of India, the Revolutionary Socialist Party, etc. for taking the management of local institutions into their own hands. And each tries or thinks that they know the secrets of securing subscription or donations which will help to run the institutions. The funds now come either from the Government or from donation received from sympathisers of various political parties. The managing committees have now become fields for contest in elections which is just like contest that takes place elsewhere between one political party and another during a General Election. These institutions have become the testing grounds of their relative strength. They are the places where each party tries to recruit young men for adding to its own strength.

Thus, the object for which institutions are run has become slightly twisted. Original objects have not disappeared; libraries are

still libraries but instead of the library remaining a pure institution whose purpose is the promotion of intellectual interests among its members, the objects have become modified under the pressure of party politics. It can even be said that sometimes the original purpose has become overshadowed by the political battles which are waged for control over management.

### **Conclusion**

It may therefore be said that in spite of the fact that Indian society has been generally looked upon as an unfavourable ground for spread of democracy, yet in rural areas like those of Orissa or in metropolises like Calcutta, society does not show an allergy towards democracy. Democracy and institutions like the party system are spreading and affecting institutions of a different nature. Although the social base of democracy has not been sufficiently reformed, so that there is a lag between the amount of social change already brought about and the demands made by the needs of democracy, yet the base is being reconditioned in order to meet the new demands of the times. One only hopes that the pace of social transformation will be more rapid so that the lamp of democracy can be kept burning bright and clear by feeding it with the clear oil of a transformed society.

The hope for India lies in the fact that such transformation is possible and is in operation even in distant villages to a substantial extent. If we appreciate properly the nature of these changes, then change can be stimulated in order to achieve quicker results. Here lies the hope for democracy in India.

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## AFRICAN NATIONALISM

by

DR. JULIUS K. NYRERE

*We have great pleasure in reproducing below the text of the speech made by Dr. Julius K. Nyrere, President of Tanganyika, to the Norwegian Students Association in Oslo on 8th September, 1963.*

—Editor

I propose to talk to you about African nationalism and the things which follow from it. And I am going to suggest that African nationalism will not have triumphed until three conditions are fulfilled. First, the whole of Africa must be free from foreign rule. Second, African nationalism must become an instrument of African unity. And third, the freedom of nation states must be followed by the maximum possible freedom for the individual within the political unity.

Until these three desiderata are achieved the current African revolution will not be complete.

I make this statement not because I believe that African nationalism is in some way cleverer or better than the nationalism of 19th century Europe, but simply because its origins are different and its driving force of a different nature.

I believe that the motivation, the driving force, of all the nationalist independence movements of Africa is the same. First, there is the natural human desire felt by all men to live in freedom, to organise their communal life according to their own desires, their own heritage, and their own circumstances. This is indigenous to Africa, just as to all other parts of the world.

### **Motivating factors**

Second, there was the importation into Africa—often inadvertently by the colonial powers themselves—of the theoretical and philosophical doctrines of equality and democracy. The great religions of Christianity and Islam were potent forces in this direction, but so too was the education which the colonial governments introduced to help meet their own needs for clerks and technicians. I may add that the use of African people in the war to 'defend democracy' was also a great educational force!

Of course the practice of equality, and of government by the people was not completely strange to Africa; many tribes—though not by any means all—were organised on this basis. But this method of government

was not a principle of political morality in traditional Africa; it was always liable to be upset by conquest and government by the conquerors—as, where it did exist, it was upset by the colonial ‘District Commissioners,’ ‘Governors,’ and the practice of making one local man ‘Chief’ over the others. In other words, the previously accepted practice of ‘might is right’ was challenged by the moralistic doctrine which was part of the total culture of the colonial powers, and the logic of which gave rise to the philosophy underlying the freedom struggles.

The third motivating factor in African nationalism was the desire of the African peoples to share the good life which in the modern world is the right of every individual. A high standard of living to some people meant acquiring the material things of life; to others it meant getting knowledge, good medical treatment for their children, or the assurance of adequate food at all times. But to all people a new type of life was revealed as a possibility. The implications of obtaining it they did not always understand, but they did realise that only they themselves could appreciate the urgency of their determination to obtain these things.

### **National movements**

The fourth factor was in many instances more directly important than any of the others in making individuals take an active part in the freedom movement. This was the reaction of African people to being treated as slaves, as beasts of burden, or as second class citizens barred from participation in many activities going on around. For when these things are done simply and solely on grounds of a man’s colour—as they were—then a man has to fight if he is to live with himself. Because racial discrimination is a denial of a man’s humanity, and an insult to his dignity and pride. He has no alternative but to join with those forces which give promise of restoring his self-respect.

None of these four things are affected by the lines drawn on the map of Africa in the 19th century by European statesmen. These lines have affected the form of the struggle in each area,—whether it is peaceful or violent, swift or long-drawn-out—but not its essential nature. That remains the same throughout the continent.

It is of course true that our independence movements were organised on a national basis. But this was merely a matter of expedience and convenience. In each of the colonial political units there was a different government which had to be overcome; within each unit different laws operated, and so on. In other words, we became ‘national’ freedom movements because that was the way in which victory could be achieved—area by area. But the motivation of our freedom movements did not arise out of pre-existing national feelings, and was not confined by them.

This was natural enough. The political units which had been overcome by the colonial powers were tribal units. These were the organisations through which people had secured their right to govern themselves

and live their lives as they pleased. It was thus the tribe to which a man felt traditional loyalty, not the nation.

But although this was the traditional unit of loyalty, the tribal group was inadequate as a basis for the freedom struggle, and it would be inadequate as a basis for our future progress to a position of freedom and equality with the rest of the world.

The tribal groups are in many cases tiny—a few thousand people sometimes. As such they are poor, with limited resources even potentially. And the strength and potential wealth of the larger and richer tribal groups is only comparative! There is no tribe of Africa which alone could ever develop its people to the full, nor protect itself from outside domination.

No; if the people of Africa are to be free and walk in dignity, they must be organised into political units which are large enough to defend their interests without being dependent on the goodwill of any other group of people. And colonialism having resulted in the organisation of national units we must start from there. It is essential that we do not lose this one advantage of the period of foreign rule—the organisation of different tribes into the administrative and political unit. So vital is this that we cannot compromise at all. No appeal to tribal sentiment, traditional loyalty, or anything else can be allowed to jeopardize the future of all our people. The Katangas must be recognised for what they are—creations of the Quislings of Africa and a betrayal of our destiny.

Yet once the tribal unit has been rejected as not being sensible in Africa, then there can be no stopping short of Africa itself as the political grouping.

For what else is there? 'Nations' in any real sense of the word do not at present exist in Africa. The nation states which are now members of the United Nations are artificial units, carved arbitrarily on the body of Africa. Not one of us is bound together by one language, or a heritage common to its people but not to those of a neighbouring nation. Each exists because its boundaries were historical and administrative conveniences for the colonial powers.

### **Mechanics of unity**

In any case the nation states of our continent are themselves inadequate for the needs of development in freedom. Large in area as some of us are, the poverty of each country considered in isolation causes us to be extremely vulnerable to outside domination. In addition, our present international boundaries are so senseless that unless we do something about them we shall find ourselves engaged in 'border conflicts' leading to full-scale inter-African wars. These would be fought at the expense of our development, and would be a real danger to world peace—for there is not a local war anywhere nowadays which does not bring with it the danger of world conflagration.

African unity is thus the logical development of the freedom struggle.

It stems directly from the purposes of that struggle. And at the same time our common experience in fighting colonialism has left the whole of Africa with a strong emotional sense of unity, and psychologically we are prepared for a united Africa to an extent which will probably never occur again.

But still it is not going to be easy for us to work out the mechanics of unity. Our different nation states inherited economies closely linked to different European powers; our political institution and experience vary according to our different colonial history; even our language and manner of thinking in modern terms are often conditioned by our colonial past.

We also have to face the fact that all the time we remain separate nations, we each have to deal with the problems of our territories as best as we can. And often the immediate necessities of one country in isolation conflict with the long-term interests of Africa as a whole. For example, each separate government seeks foreign investment—for itself. In doing so, each government offers the terms which seem necessary to attract capital to its own territory. So we find that when one country hears that a particular company is planning to make an investment in a neighbouring territory on terms 'x', the government rushes in and offers 'x' plus 'one.' It has to do this—but the result is that Africa loses some of the advantage she would otherwise gain. By trying to outbid each other in attracting the money of the rich we fulfil the Biblical statement—"unto every one that hath shall be given, ... but from him that hath not shall be taken away that which he hath."

### **Freedom struggles**

Yet despite all the problems, I believe that the logic of history, and our own consciousness of the need, will bring unity in Africa more quickly than some people now seem to expect.

Already the whole of Africa is committed to unity. At the Conference of Heads of African States in May this year the objective of unity was unanimously asserted, and the first steps taken towards it by the establishment of the Organisation of African States.

Of course this is only a beginning. But we believe that it can—and intend that it shall—lead to a United Africa. The steps may be many and various. But all of them, whether they be a new Federation or limited economic co-operation, will be taken within the context of the wider objective.

There is, however, another aspect to the 'African-ness' of our freedom movements. The freedom of any one African State is but a step towards the goal; there can be no stopping until the whole of Africa is free.

Some Western countries appear surprised at our willingness to devote some of our scarce resources to the remaining anti-colonial fight in Africa; they accuse us of 'interference in foreign countries,' talk of us as planning 'aggression' on Mozambique, Angola, South Africa, and so on.

Such attitudes reveal a complete lack of understanding of what has been going on in Africa over the last 15 years. My Movement—TANU—has been fighting for freedom in Africa since it was formed in 1954; its first area of operations was Tanganyika—that is all. When Tanganyika is free other parts of Africa can call upon its nationalist movement for help in what is a common struggle.

This means that we make no apology for the fact that the Liberation Committee of the Organisation of African Unity meets in our capital city and plans how best to assist the peoples concerned in overthrowing alien rule. Why should we? The fact that Mozambique fell to Portuguese domination more than a hundred years ago does not make that country any less an 'Occupied Territory' than if it were occupied five years ago. Neither does the statement that Mozambique is an integral part of Portugal make the former shrink to the size of a Province of one of the smallest states in Europe, or move it bodily from Africa to the Iberian Peninsula.

By taking part in the freedom struggle of the remaining colonies of Africa we are merely continuing our own freedom struggle to its logical conclusion. And we believe that it would be a betrayal of our cause to do otherwise.

### **A world disease**

Equally, we believe that we have a moral right to ask for the support of all peoples who claim the right of national freedom and self-determination for themselves. We know that our demand will sometimes be embarrassing, and require difficult choices and economic sacrifices. It does for us too. We know that in the case of Angola and Mozambique the members of NATO have a particularly unpalatable decision to make. Portugal is a member of NATO and, claiming that these African territories are an integral part of her nation, she will claim financial and armaments support from her NATO allies for use in the suppression of the freedom fighters. The free states of Africa, on the other hand, could not fail to interpret the provision of such supplies as an act contrary to the basic principles which the NATO powers claim to uphold.

All that I have said so far refers to countries which are, in international law, colonies of European powers. South Africa, however, is an independent country, a member of the United Nations. Yet all that I have said about the determination of free Africa to support the freedom movements in colonial territories applies to South Africa too. The British Act of Parliament which made South Africa a sovereign State did not, and does not, affect the validity of the motives underlying the freedom movements of Africa. And none of those basic principles exist in the Union today.

South Africa is the only country in the world where racial discrimination is the deliberate and declared policy of a Government. I am well aware that none of the independent countries of Africa—Tanganyika or

any others—are above criticism; but the greatest injustice committed on the grounds of what a man is supposed to have done is still a different kind of thing to injustice on the grounds of a man's colour or ancestry. These are physical attributes given by God, and nothing can change them.

Racialism is a world disease which can bring the world to disaster. South Africa is a place where the disease is propagated and elevated to the position of a basic philosophy. No considerations of the 'standard of living' for those who are made into the equivalent of Aldous Huxley's 'Proles' can alter the need to overthrow those authorities who are so busy trying to dehumanise whole groups of mankind. Just as the carriers of infectious and awful diseases are first isolated and then treated, so must South Africa be. It is impossible to claim a belief in equality and human dignity while at the same time enabling the South African Government to maintain and strengthen its policy of racial discrimination and repression.

It is perhaps easier for us in Africa to see the importance and urgency of this. Racial discrimination was one of the factors underlying the growth of our own freedom movements; we have experienced it. And in Eastern Africa we now have our own internal struggles against it—although the victims in our case now would be a different colour. But we do not ask the rest of the world to join with us in taking positive steps against the South African apartheid system, even though we believe this is a world problem and not a continental problem. All that we ask is that those who claim their societies to be based on principles of humanity should at least refrain from supporting the practice of apartheid. Neutrality on this issue is impossible,—not because we wish to make it so, but simply from the nature of things.

### **Future of Africa**

South Africa depends on international trade to uphold an economy which is geared to racialism. She is the most highly armed state in the continent; for many of her weapon supplies she depends on purchases from other countries—and these weapons are then used to maintain the struggle of racial privilege.

If, therefore, you trade with South Africa, or if you sell arms to South Africa, where is the neutrality? It is these things, and these things alone which enable the minority of one colour to control the majority who are not of that colour. It is these things which enable the authorities to make it illegal for a man to live anywhere in the country of his birth, which enable them to tear families apart by racial classifications, to take a man's job away because it has been 'reclassified' and reserved for men of a different colour.

International trade is the lifeline of South Africa. By continuing trade you are inevitably supporting apartheid, by refusing you are inevitably acting against it. There is no halfway, neutral position. Even a

refusal to supply arms is not neutrality. Certainly the opponents of apartheid welcome such a move, but by itself it is illogical; it must be the forerunner of further steps. Tanganyika has a substantial number of citizens of non-African origin. Because these are in a minority and the principle of one-man-one-vote is practised, these minorities could easily be discriminated against by the Africans. I am saying to you that if we do that, do not treat us differently. Isolate Tanganyika in the same way as I am asking you to isolate South Africa.

All that I have been saying amounts to a single thing. Africa is ONE. Basically this has been its past, and this will be its future. The present is a period of transition from being one kind of Africa to being another kind of Africa. Although we have a long way to travel and many obstacles to overcome, I believe that African unity will in the future be expressed by the existence of an African Government.

I believe too that despite temptations, and deviations on the way, Africa will ultimately be a continent in which the economic and social conditions allow all its inhabitants to live in dignity, and to stand as equals with their fellow human beings elsewhere in the world.

Then, from this point of equality I hope and believe that the logic of our own history will lead us to join in the struggle to establish that World Order which must be the ultimate goal and destiny of all mankind.

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## DOCUMENTATION

### **REPORT OF THE CENTRAL AFRICA CONFERENCE 1963**

*The Federation of Rhodesia and Nyasaland, which has been in precarious existence for the last ten years, is now nearing its logical end. The Central Africa Conference, held at Victoria Falls, Southern Rhodesia, from 28th June to 3rd July, 1963, was attended by delegations from the Governments of Britain, the Federation, Southern Rhodesia, Northern Rhodesia and observers from Nyasaland. The Conference fixed 31st December, 1963, as the target date for the dissolution of the Federation and took decisions on several other vital problems such as the Federal Public Service, Public Debt, Inter-territorial Collaboration, Defence, Citizenship, etc. As the Conference was an important event in the colonial history of Africa, the text of its report presented to the British Parliament by the First Secretary of State, Mr. R. A. Butler, is reproduced below.*

—Editor.

#### **CHAPTER I**

#### **INTRODUCTION**

On 18th June, 1963, the First Secretary of State, the Rt. Hon. R. A. Butler, C.H., M.P., announced in the House of Commons that the Government of the Federation of Rhodesia and Nyasaland and the Governments of Southern and Northern Rhodesia had agreed to attend a Conference on the orderly dissolution of the Federation and the consequential problems involved. The Nyasaland Government had agreed to send observers. This Conference met at the Victoria Falls Hotel, Southern Rhodesia, on 28th June and completed its work on 3rd July, 1963.

2. There was full agreement among all delegations that arrangements should be made for the orderly and speedy transfer of Federal responsibilities to the territories. There were many difficult and complex problems to be solved which could not be dealt with fully at the Conference. It would be the task of the Conference to set up the necessary machinery for a detailed study of these problems and to set a time-table for the processes of dissolution.

3. The Conference agreed that there was a range of functions which could be transferred without great difficulty, provided that satisfactory arrangements were reached regarding the officers manning these services.



and the finances for them. It was also agreed that, where it might be practicable, arrangements should be made for the transfer of such services to territorial responsibility in advance of dissolution. This would include transfer of those subjects where the Federal Government had a constitutional responsibility in respect of one territory only.

4. The Conference also agreed that there were certain matters on which the post-Conference machinery should be given guidance. First there were the important problems of the Federal Public Service and the apportionment of assets and liabilities including the public debt. There was a range of functions in which the question of inter-territorial collaboration arose. There were the problems connected with the transfer of taxation functions to the territories. The question of defence needed special examination and there were also problems connected with citizenship and the question of an appeal court to replace the Federal Supreme Court.

5. The Conference first considered these matters and in the light of its conclusions thereon proceeded to examine the machinery which would be needed to carry forward the detailed implementation of the processes of dissolution.

6. The next chapter of this report outlines the machinery which the Conference agreed should be established. The succeeding chapters summarise the discussions of the Conference on particular issues of importance for the guidance of those who will be responsible for carrying forward the work of the Conference.

## CHAPTER II

### MACHINERY

7. The United Kingdom and Southern Rhodesia Delegations each tabled sets of proposals providing in different ways for a system of committees. The Northern Rhodesia Delegation indicated that their approach to the problem was different. They considered that the United Kingdom Government should at an early date appoint a Commissioner to take over all functions of the Federal Government, and then to arrange for the progressive transfer of those functions to the territorial Governments; they felt that this arrangement would assist a clear-cut change of regime at an early date and avoid the embarrassment to the Federal Government of being left at the end with only a handful of minor functions to administer. This view was not, however, accepted by any other delegation, on the grounds that the processes of dissolution ought to be worked out between the Government in advance of some date at which the dissolution could and should take place. It was also made clear by the Chairman that the concept of appointing a Commissioner to inherit the functions of the Federal Government formed no part of Her Majesty's Government's policy.

8. The Conference agreed to remit to a sub-committee further examination of the two sets of proposals made by the United Kingdom and Southern Rhodesia Delegation. The sub-committee reported substantially on the lines set out in the following paragraph, and after discussion which covered the understandings recorded in paragraphs 11 and 12 below, the Conference adopted their proposals.

9. In consequence, the Conference agreed that, immediately after the Conference, two official committees should be established as follows:—

### **Committee A (General Committee)**

(i) *Composition.* Officials representing the Governments of the United Kingdom, the Federation, and Southern and Northern Rhodesia, under a United Kingdom Chairman appointed after consultation with the other three Governments.

(ii) *Terms of Reference.*

- (a) To work out detailed arrangements for the reversion of Federal Government functions to territorial responsibility, in such manner and order as may best contribute to their speedy and orderly reversion.
- (b) To work out solutions of general problems arising from the dissolution of the Federation particularly as regards the Federal Public Service (including in this term Parliamentary officers and members of statutory bodies), the armed forces and the judiciary.
- (c) To make recommendations as to the means of dealing with Federal assets and liabilities (including the public debt) and, if they considered an Apportionment Commission to be required, to make a reference to the Governments accordingly, including recommendations as to its terms of reference, powers and composition.

(iii) *Directive.*

- (a) The Committee would be an inter-Governmental negotiating body through which the representatives would seek to reach agreement by reference to their respective Governments as necessary as the work progressed.
- (b) The Committee would be empowered to set up separate sub-committees for the examination of particular functions. The Committee should be required to set up special sub-committees for the consideration of:—
  - (1) Federal Public Service and
  - (2) Assets and liabilities.
- (c) The presence of a United Kingdom representative on each of the two sub-committees mentioned above was essential for their speedy and effective operation. The Chairman appointed by the Committee for each sub-committee should be ac-

ceptable to all the Governments concerned.

- (d) Each Government would appoint one principal (co-ordinating) representative to the Committee but would be free to nominate at will additional or alternate representatives (or advisers) to the Committee and its sub-committees in accordance with the subject under discussion.

### **Committee B (Committee on inter-territorial questions)**

(i) *Composition.* Officials representing the territorial governments assisted by Federal officials, under United Kingdom chairmanship.

(ii) *Terms of Reference.* To work out in respect of those Federal functions referred to it by Committee "A" detailed arrangements for the reversion of those functions to territorial responsibility having regard to the possibility of collaboration between the territories in particular fields.

(iii) *Directive.* The Committee's method of procedure and their powers to set up sub-committees as necessary would generally be the same as for Committee "A". In particular each Government, including the United Kingdom Government, would be entitled to appoint additional representatives, alternates or advisers. This Committee would not submit its conclusions in all cases to the Federal Government, but when making submissions to the constituent governments would keep the Federal Government informed whether or not action by the Federal Government was contemplated; where action by the Federal Government was required, consultation should take place before any final conclusion was reached.

10. The Chairman of Committee "A" would be charged with the general responsibility in his Committee of co-ordinating the work of the two committees so as to secure an orderly and expeditious process of dissolution and transition to a new regime in accordance with the broad decisions of the Conference.

11. The Conference agreed to the arrangements described above on the understanding that where a territorial government that considered its arrangements, particularly as to staff and finance, were such as to enable it to take over a Federal function, there should be no delay in that transfer being effected. Governments would, however, consult together so that in most cases Federal functions should be taken over simultaneously by the territories.

12. It was also agreed that if any territorial government objected, in Committee "A," to the remit of any subject, affecting its own future powers, to Committee "B," that decision should be final, and the subject so far as it affected the objecting territory, should be considered further only in Committee "A."

13. The Conference considered that the effective operation of the machinery would be hampered unless the Nyasaland Government were fully associated with it on the same terms; lack of Nyasaland's association would tend to delay the operation, rather than the reverse. The Con-

ference therefore invited the Chairman to seek the agreement of the Nyasaland Government to associate itself with the machinery.

### CHAPTER III

#### FEDERAL PUBLIC SERVICE

14. There was general agreement that on the reversion of Federal functions to territorial governments as many Federal officers as possible of all races should be absorbed in the territorial public services.

15. The first problem to which the post-Conference machinery should turn its attention was comprehensive terminal arrangements for the Federal Public Service, which would ensure the equitable treatment of Federal officers whose employment was brought to an end.

16. As a part of these comprehensive arrangements the territorial governments would need to state as soon as possible the terms of service they would offer and the extent to which, having regard to their own public service policies, further employment could be offered to Federal officers.

17. The post-Conference machinery would also need to reach agreement on arrangements for securing the discharge of the pension liability for past and present Federal officers and their dependants. Liabilities in respect of pensions (and the precise nature of these liabilities) would be a matter for the post-Conference machinery to consider and would need to be assessed and distributed as part of the general apportionment of assets and liabilities of the Federation. These arrangements would need to cover the present Federal Pension Fund which covered only a proportion of the Federal officers and was not yet actuarially viable.

18. The Northern Rhodesia Delegation drew attention to the fact that it would take some time to evolve these detailed arrangements and for Governments to consider and finally approve them. They reminded the Conference that on the creation of the Federation officers had been compulsorily seconded from the territorial Government to the Federal Government for a period of two years. They considered that a similar procedure would be natural and appropriate on the dissolution of the Federation and proposed that this period of secondment should be one year. The Southern Rhodesia representatives agreed that an interim period would be needed for the application of the full public service arrangements but they expressed the view that they could probably maintain their services during this period by a process of voluntary secondment. The Federal representatives pointed out that under regulations made under the Federal Public Service Act the consent of an officer was required to his secondment to another government and that when the secession of Nyasaland was announced the Federal Government had given an undertaking to the Federal Public Service Association that these regulations would be observed. Accordingly the Federal representatives said that they could

not consider supporting any arrangements to cover this interim period that would involve compulsory secondment until there had been full consultation and agreement with the Federal Public Service Association.

19. The Conference recognised that some standstill arrangement for staff would be needed, following the transfer of departments to territorial control, although the Federal Government made it plain that this should not involve any compulsion. In the light of the detailed examination of such an arrangement by a sub-committee, consultations with the Federal Public Service Association were begun during the period of the Conference.

20. The Conference agreed that the post-Conference machinery should take full account of the views of delegations including the reservations entered by the Federal Government in the arrangements to be made to cover this standstill period, and should continue the consultations begun with the Federal Public Service Association as part of the general discussions that would be necessary with the association about the comprehensive settlement of public service issues.

#### CHAPTER IV

#### FEDERAL ASSETS AND LIABILITIES INCLUDING PUBLIC DEBT

21. The Federal Government submitted a paper containing a survey of the Government's financial obligations, including the public debt. The paper pointed out that these obligations rested on the resources and reflected the credit-worthiness of the Federal economy. In the opinion of the Federal Government, the dissolution of the Federation as an economic unit would involve a loss of economic strength; and the separate territorial economies should not be expected between them to meet the obligations which had been incurred on a scale appropriate to the Federation as a whole. If they attempted to do so, a great part of their product would be absorbed in this task, and their capacity to finance much-needed development would be unduly restricted. Since the dissolution of the Federation was an exercise of Britain's sovereign power, Britain should, in the interests of the territories and of the creditors, assume responsibility for the Federal Government's obligations. It should look to the territories for reimbursement on a scale related to their assets and revenues; assets which did not become part of the capital equipment of a territorial economy should be transferred to the United Kingdom.

22. The Federal Delegation explained that their concern was to see that their financial obligations including guarantees and moral obligations were honoured. This involved the acceptance of responsibilities not only by the territorial governments but also by the British Government whose action in dissolving the Federation made it impossible for the Federal Government to honour its obligations. The two principles

involved were the safeguarding of public credit and the need to avoid calling on the territories to pay more than their economies could bear.

23. SIR GEORGE CURTIS analysed the obligations of the Federal Government in the light of the discussions in the Nyasaland Working Party. He classified them into five groups, viz. those relating to the Federal Public Service; Federal Government guarantees of loans; continuing obligations to various institutions; other loans including Federal loans re-lent to territorial governments; and a group of miscellaneous liabilities mainly related to claims by the public. He observed that even when the problem of apportioning financial liability for these loans and debts had been solved there would remain the problem of securing them in the interests of creditors.

24. The Southern Rhodesia Delegation said that the three territories could not as separate units carry the same burden of debt as the Federation. Assessments of the amount of debt each territory could carry should relate to its revenue earning capacity; only the United Kingdom could bridge the gap between that amount and the money the Federal Government owed. The Southern Rhodesia Government was prepared to accept its fair share of liability for public debt arising from the dissolution of the Federation, but many Federal assets were bound to depreciate on reversion to the territories and it would be unfair if they were apportioned on the basis of their former valuations. Many fixed assets also might not be required by the territories in the same shape or size.

25. The Northern Rhodesia Delegation's view was that machinery should be set up to examine these problems, including pre-Federal debt, loans to statutory bodies, and the legal liability for the Federal Government's open market borrowing. The machinery would deal with Federal assets as the other side of the problem of public debt. The Northern Rhodesia Government was willing to take over its fair share of Federal liabilities and public debt.

26. The territorial governments reserved their position as to how their shares should be assessed until the post-Conference machinery had reported. The United Kingdom Delegation expressed the view that if the United Kingdom Government took over liability for debts, it would also have to take over the corresponding assets and thus introduce a second government into another government's territory.

27. The Chairman made it clear that Her Majesty's Government's action in dissolving the Federation was based on their assessment of the political realities of the situation. It was true that the acceptance of Federal liabilities would impose a burden on the territories but many valuable and indeed essential assets would also pass to the territories and it would surely be wrong to divorce the question of assets from that of liabilities. Broadly speaking, liabilities were the counterpart of benefits which accrued to the territories individually or collectively. Difficulties might well arise in certain cases but the right approach to the whole question was to start from the connection between assets and liabilities.

This approach would not pre-judge consideration at a later stage of the capacity of the territories to carry the burden and the position of the Federation's creditors in the new circumstances. The post-Conference machinery should start their work on the basis of seeing where in consequence of the re-allocation of functions the assets were physically likely to lie and apportioning the liabilities, including the public debt among the three successor governments in such a way as broadly to correspond with the division of assets and to deal equitably with any anomalies which might arise. It was then that there would emerge the question whether any territory would be saddled with too heavy a debt burden, since it would be seen exactly what responsibilities would fall to it. At that stage it would be for consideration between governments what means might be adopted to lighten the burden. The question whether the United Kingdom Government could and should help would have to be considered in the light of their general policies on overseas aid towards countries which showed need for assistance in the development of their economies. It would be in accordance with these policies for the United Kingdom Government to consider the need of a Commonwealth territory, within the limits of their resources and the calls upon them in the light of such territory's economic position as a whole—including of course its debt burden.

28. The Conference agreed that the whole matter should be referred to a committee to be set up under post-Conference machinery.

## CHAPTER V

### INTER-TERRITORIAL COLLABORATION

29. The Chairman suggested to the Conference that some thought should be given to the range of subjects in which questions of inter-territorial collaboration arose.

30. There were two reasons for this. The first was the practical one that unless broad conclusions were reached on how inter-territorial issues were to be tackled, the machinery to dissolve the Federation could not work speedily and effectively, as these issues were interlocked with the processes of dissolution.

31. The second consideration was the interests of the territories and the future prosperity of the region and its inhabitants. The Chairman reminded the Conference that it was the United Kingdom Government's declared policy to seek to assist in the evolution of effective new forms of collaboration between the territories when the Federation came to an end, forms which would be acceptable to each of them and help to preserve and promote, in particular, the economic prosperity of all. Serious thought should be given to the ways in which the benefits of association might be preserved through new forms of collaboration.

32. The essential core of this association lay in the shared economic

arrangements, such as the common market in goods and labour, and the joint banking, credit, exchange and currency facilities. There were here issues of great complexity and vital importance to each territory, which called for most thorough and searching examination by each government. This was essentially a matter for the territories and their decisions would have far reaching effects on their future finances and economy.

33. There was also the field of common services, in which Kariba and the railways were obviously of particular significance to both the Rhodesias; and other fields, such as freedom of movement between the territories, in which the governments might wish to consider mutual arrangements for the future.

34. Whatever decisions the territorial governments might reach on long-term arrangements for the future, there would be need before dissolution to reach agreement at least on transitional arrangements if the prosperity of the area was not to be jeopardised. The process of transferring functions to separate governments could be difficult and complicated; and, for example, during any transitional period, local confidence in the currency must be maintained if serious economic damage were to be avoided, and therefore the Central Bank must be given adequate authority to continue in the new circumstances, if only as a temporary arrangement. There were similar problems in relation to customs and telecommunications among other subjects and all this would call for close co-operation between the governments.

35. The Chairman therefore proposed that provision should be included in the post-Conference machinery for a body to carry forward further study of questions of inter-territorial collaboration, without commitment at this stage by any government to any particular form of future collaboration. It would be understood that on dissolution constitutional responsibility for the functions in which such inter-territorial issues arose would revert to the territorial governments, and any joint arrangements for the future would be based on the territories exercising their separate powers in agreement.

36. The Federal Delegation agreed that this was a matter for the territorial governments. The Northern Rhodesia Delegation indicated that their Government accepted in principle that there should be inter-territorial collaboration in regard to the railways, Kariba and Central African Airways, and recognised the possible need for interim joint arrangements in such matters as currency. The Southern Rhodesia Delegation welcomed this statement, but hoped that collaboration with the Northern Rhodesia Government might go beyond the subjects mentioned.

## CHAPTER VI

### TRANSFER OF MONEY AND TAXATION FUNCTIONS

37. The Northern Rhodesia Delegation said that satisfactory arrangements for the transfer of money and taxation functions were an essential



prerequisite to the transfer of services. The main requirements were that the financial arrangements:

- (a) must be as simple as possible;
- (b) must provide a firm basis in advance for the return of services;
- (c) must provide a firm basis for the general financial settlement;
- (d) must be acceptable as fair and reasonable by all governments;
- (e) must allow territorial governments to administer a service taken back according to its own requirements.

38. The main difficulty was that income tax receipts varied widely over the year and the position could be affected substantially as between one year and another by the speed with which assessments were issued and dealt with. The transfer of effective fiscal powers should therefore coincide either with the beginning of the tax year (1st April) or with the beginning of the financial year (1st July); but it was not possible to contemplate waiting until these dates in 1964.

39. They suggested two alternative broad approaches:—

(i) *Scheme "A"*

The Federal Government would continue to collect tax in terms of its existing legislation but, by an agreement between all the governments, would distribute that tax in full to the territorial governments having regard to its known source of origin in the case of income tax and sundry revenues, and on an agreed estimated basis in the case of customs and perhaps one or two other items. This would entail in practice returning to each territorial government its full revenues (though not its own taxing powers) with effect from 1st July, 1963. The Federal Government would then charge each territorial government with the cost of providing services in its area together with an agreed proportion of central and overhead expenditure, including public debt charges.

(ii) *Scheme "B"*

The transfer of taxing powers to the territories would take place on an agreed date which would be as early as possible. As subjects were taken back by the territories, the Federal Government would hand over either in a lump sum or in monthly instalments the money required to carry on the services at the level which had previously been determined by the Federal Government in its estimates. Income tax in respect of earnings of individuals and profits of companies up to 31st March, 1963, should be credited to a special account as it accrued, being divided as 62 per cent. to a Federal Account and the remainder to the territories in the constitutional proportions. The Federal account would have to be maintained on a trustee basis after the dissolution of Federation and would provide the money needed to continue Federal services up to the end of the tax year. Thereafter the account

might provide a surplus for distribution between the territorial governments.

40. The Conference appointed a sub-committee consisting of the senior financial advisers of the delegations to consider these proposals.

41. The sub-committee considered the two schemes having regard to the expressed wish of all delegations for speed and simplicity in the process of dissolution. The sub-committee felt that the division of revenue by territorial sources and of expenditure by territorial incidence necessary under Scheme 'A' involved some intractable problems and that the process of reaching agreement and of negotiations would be unlikely to be completed with maximum speed.

42. On the recommendation of the sub-committee, the Conference agreed that the attention of the post-Conference machinery should be directed to Scheme "B," as representing an outline of the procedures which might be appropriate to be followed in this matter.

## CHAPTER VII

### DEFENCE

43. The Conference agreed that when the Federal Government ceased to exercise responsibility for defence the position in regard to the operational control of the forces should revert to that which obtained before 1953 when Southern Rhodesia was responsible for her own forces and the United Kingdom Government had operational control of the Forces in the Northern territories. Thus, although the Federal forces would have to be partitioned between the three territories the actual task of partition would be made easier by the fact that it would initially simply be a question of transfer to two commands—that of Southern Rhodesia and that of the United Kingdom Government in the Northern Territories.

44. In most cases, the Conference envisaged units passing under the control of either Southern Rhodesia or the United Kingdom according to their present dispositions, though there would be some agreed exceptions to this which would be announced as soon as possible. It was agreed that arrangements would have to be worked out to permit members of the forces to declare in which territory they wished to serve in future.

45. The physical assets of the forces would in general remain with their present units, though the value of these assets would naturally fall to be dealt with in the context of the general arrangements for the apportionment of Federal assets and liabilities. Obligations to members and former members of the forces would be dealt with on broadly similar lines to those of members of the Federal Public Service.

46. It was agreed that future consultation on these matters should be between the Governments concerned.

## CHAPTER VIII

### CITIZENSHIP

47. The Conference agreed that when Federation was dissolved, Federal citizens, being British subjects, ought not to lose that status. A separate citizenship for each of the three territories would eventually be created by the law of each territory, and the first necessity was for the governments of the territories to agree on a scheme under which a Federal citizen would by law become a citizen of the territory to which he belonged. It would be the task of a committee of experts to draw up a scheme for this purpose, for recommendation to governments. The committee should provide in suitable cases for giving an option, exerciseable within a reasonable time, whereby a Federal citizen might choose the citizenship he would take and for allowing in appropriate cases for double or even triple citizenship.

48. Such a scheme having been drawn up and agreed, Southern Rhodesia would pass a citizenship law to come into force on the dissolution of the Federation. In case there were difficulties over the two Northern territories doing the same, the United Kingdom Government would consider making those Federal citizens, who would not become Southern Rhodesia citizens because they belonged to one or other of the Northern territories, citizens of the United Kingdom and Colonies, least until those persons not wishing to become citizens of the United Kingdom and Colonies might be given an option to disclaim. The United Kingdom Government would in any case be responsible for the diplomatic protection of those persons who could properly be considered to belong to either of the two Northern territories, until independence.

49. Other matters raised in connection with citizenship were passports and free movement between the territories. It was agreed that the responsible successor governments should make arrangements for suitably endorsing passports already held by Federal citizens, or for their re-issue, as seemed most convenient. As to free movement, this matter would be of great importance to many individuals, and it should be considered by the appropriate committee with a view to arriving at fair and satisfactory arrangements.

50. The Federal delegation said that there might be Federal citizens who at the end of Federation would feel unable to return to their home territory, and asked what consideration should be given to their compensation by the United Kingdom Government. In other cases Federal citizens might be in need of protection in the territory to which they belonged, and this ought to be the duty of the United Kingdom Government. The further point was made that free movement included the right of leaving a territory as well as that of entry.

## CHAPTER IX

## THE FEDERAL SUPREME COURT

51. The Conference noted that the Federal Supreme Court would come to an end with the dissolution of the Federation. Accordingly the question of the scales of recompense for the judges might arise. It was agreed that the question of a new Court of Appeal was a matter to be pursued between territorial governments.

## CHAPTER X

## TIME-TABLE

52. The Conference agreed that in drawing up a time-table for the processes of dissolution it was necessary to strike a proper balance between the need for speed and the orderly transfer of Federal functions to territorial responsibility. It was obviously not possible for every consequence of dissolution to be settled and new arrangements implemented within a matter of months, but there was general agreement that given the necessary willingness and determination it should be possible to reach not later than the end of the year a stage at which the main range of Federal functions would have been, or would be in the position to be, transferred to the territories, including the transfer of fiscal powers. When that stage was reached it would appear to be the appropriate time at which the Federal Legislature and Executive could be brought to an end.

53. The Conference agreed to set a target date of the 31st December, 1963, for the dissolution of the Federation. This must be conditional on the substantial settlement by that time of such important general issues as the apportionment of the public debt and other liabilities and assets and the future of the Federal Public Service. All delegations agreed on the need for the greatest degree of collaboration and effort.

54. The various committees set up under the arrangements described in Chapter II of this Report would have to complete their work by about mid-September. At that time the governments concerned would be called upon to reach final decisions on all questions arising out of dissolution, including decisions in principle on the areas of future collaboration. This process would have to be completed by about mid-October and would call for consultation between governments though not necessarily by means of another formal conference. So far as possible all further processes of dissolution should be carried through at the working level.

55. By mid-October the post-Conference machinery would need to have worked out for final agreement between governments the principles on which the apportionment of assets and liabilities should be carried through. This should leave time for the final stage of the work of division of the assets and liabilities to be carried forward and completed between

October and December.

56. By about October the governments concerned would need to consult together about any transitional arrangements which might need to be introduced on 31st December, 1963, to deal with matters on which the decisions reached between governments could not in practice be fully implemented by the date. The Conference agreed that until the post-Conference machinery had done its main work it would not be possible to say exactly what issues might remain to be dealt with nor to suggest what might be the best method of dealing with them.

57. Assuming that the decisions mentioned above were taken at the times stated, the United Kingdom Government should be in a position to complete and enact before the end of December 1963 the legal instruments necessary to give effect to the decisions agreed upon by the governments who would be given an adequate opportunity of commenting on their proposed provisions.

J.T.A. HOWARD-DRAKE  
*Secretary-General.*

R.A. BUTLER  
*Chairman.*

Victoria Falls Hotel;  
Southern Rhodesia.  
3rd July, 1963.

## **ACTIVITIES OF THE COUNCIL**

The following is an account of the activities of the Council during the quarter:—

### **Reception for African students**

The Council organized a reception on 10th August, 1963, in honour of African students studying in Delhi. The Prime Minister, Mr. Jawaharlal Nehru, Dr. Sushila Nayar, Union Minister for Health, Mr. Jaisukhlal Hathi, Union Minister for Supply, Mr. Dinesh Singh, Deputy Minister for External Affairs, Mr. C. R. Pattabhiraman, Deputy Minister for Planning, Mrs. Indira Gandhi, the Council's Patron-in-Chief, Mr. V. K. Krishna Menon, former Minister for Defence, His Excellency B. C. I. Obanye, High Commissioner for Nigeria, and several other distinguished guests were present.

A variety programme was provided by Indian and African students.

### **Study tours for African students**

In August a number of African students were taken round several projects of the Indian Co-operative Union, including poultry units, health co-operatives, craft centres, etc. During their visit to Sultanpur the students were warmly received and garlanded by the head of the village. The visitors were greatly impressed by what they saw and the hospitality they received.

In September another batch of African students was taken for a visit to the projects run by the Central Social Welfare Board. They saw welfare activities for women and children. At the end of the tour the students talked with Mrs. A. J. Matthai, Chairman of the Central Social Welfare Board.

### **Hospitality Programme**

The Council arranged visits of African students to Indian families with a view to helping them feel at home and see Indian social life themselves.

All these activities meant for African students contribute considerably to better understanding between Indians and Africans.

### Scholarships

Some time ago two African scholars from Kenya returned home after completing a course in leather technology at the Central Leather Research Institute, Madras, under the auspices of the Indian Council for Africa. Two more students from Kenya recently arrived for the same training on scholarships granted by the Council.

### Prime Minister of Somaliland

On behalf of the Council, Mr. S. A. Mehdi, M.P., Associate Editor of *Africa Quarterly*, and Mrs. S. Sadiq Ali, Office Secretary of the Council, paid a courtesy call on Dr. Abdirashid Ali Shermarke, Prime Minister of Somaliland, during his recent goodwill visit to India. They presented the Prime Minister with a leather-bound volume of *Africa Quarterly* with his name embossed in gold letters on it.

A set of Council literature was presented to Mr. A. Wurie, Education Minister of Sierra Leone, during his recent visit to this country.

### New executive committee

The General Body meeting held on 16th September, 1963, named a new Executive Committee to succeed the outgoing one. The new Executive Committee, which met on 19th September, 1963, elected the following Office Bearers : Mr. Balvantray Mehta, President; Mr. Asoka Mehta, Mr. Dinesh Singh, M.P., Mr. J. Rameshwar Rao, M.P., Vice Presidents; Mr. K. C. Pant, M.P., Mr. Ravindra Varma, M.P., General Secretaries; and Mr. Harish Mahindra, Treasurer. The other members of the Executive Committee include Mr. C. R. Pattabhiraman, M.P., Mr. S. A. Mehdi, M.P., Mr. Nath Pai, M.P., Mr. S. L. Poplai, Mr. R. R. Morarka, M.P., and Mrs. Rajen Nehru.

It was a matter of great pleasure that the Council's President, Mr. Balvantray Mehta, and Mrs. Sucheta Kripalani, a member of the outgoing Executive Committee, were recently elected Chief Ministers of Gujarat and Uttar Pradesh respectively.

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## BOOK REVIEWS

**THE NEW NATIONS OF AFRICA:** By Ben Wattenberg & Ralph Lee Smith (Hart Publishing Co., New York, 1963, Pp. 480, \$ 10.00.)

This book is meant to be an informative introduction to Africa. It has 29 chapters, each devoted to a separate country. The text is lucid, if occasionally a little oversimplified, and is illustrated with 30 maps. In addition, the publisher has included over 300 photographs in order "to dramatize the text" — a purpose which has been fulfilled with a large measure of success. The summarized information at the end of each chapter will provide a useful coup d'oeil for a busy reader, while the table of comparative statistics gives one some idea as regards the relative material and cultural standards of different countries.

However, all these figures and the accompanying text do not provide a sound picture of the new nations of the continent. These states have not emerged out of nowhere. They have a past, colonial or semi-colonial, when an alien administration was imposed on them with all the attendant consequences. The face of a 'new nation' remains a blank when it is not illumined by a reference to the past. The editors of the volume would have done well to include a short historical introduction to the African awakening as we are witnessing it today.

The editors' concern to present a non-academic and popular picture of a country has often resulted in certain pronouncements which cannot be accepted unconditionally. Thus it is doubtful if we can characterize the Algerian FLN as pro-Soviet (pp. 32-33). This is all the more questionable since the writer himself mentions the FLN leaders' visit to the U.S.A. and their successful conclusion of an American aid pact, as also the ban imposed on the Algerian Communist Party by Ben Bella (pp. 37-38). Similarly the essay on Nigeria includes some controversial statements. Northern Nigeria is supposed to differ from the rest of the country as much "as Europe differs from China" (p. 289). Again, how many Africans will agree that Nigeria is "destined to be the political leader of the new nations of Africa"? And is the federal government of Nigeria "perhaps the most politically stable of all the new African nations"? Here one likes to be enlightened as to what precisely are the criteria for measuring political stability and how countries like Ghana, Guinea, Ivory Coast, Tanganyika, Morocco and Tunisia fare in terms of such standards.

On Mali we are surprised not to find any reference at all to the short-lived political federation of Senegal and Sudan. Indeed, it is



as a legacy of that entente that the name Mali has been retained by Sudan. Apparently, the editors are a little confused about the political puzzle of the former French African territories. On pp. 185-86, a reference has been made to "all the eight nations of former French West Africa (Ivory Coast, Dahomey, Guinea, Upper Volta, Mauritania, Mali, Senegal and Sudan)". It is unfortunate that both Sudan and Mali should have been mentioned here, and a constituent part of French West Africa, viz., Niger, should have been omitted. Again, on p. 73, Central African Republic is said to be "one of the five nations that was formed out of the former colony of French Equatorial Africa". Obviously, there is a mistake here. French Equatorial Africa had, before 1958, four constituent units, viz., Chad, Ubangui-Shari, Middle Congo and Gabon. All these became independent states, two of them having changed their names. Perhaps the writer, here, has referred to the Cameroun Republic. However, this territory was not constitutionally a part of French Equatorial Africa.

There are also other mistakes which, to an extent, spoil the charm of this carefully brought-out publication. In the foreword, Mr. Harold H. Hart (publisher) says that "since 1956, 29 new governments have taken their seats in the Council of Nations". Clearly, what Mr. Hart wants to say is that 29 new *states* have emerged. However, our specific objection here is that 28, rather than 29, states have come into being in Africa since 1956. Probably the mistake arises from the number of states dealt with in the book, which is 29. However, one of them, Libya, attained independence in 1951. In addition, there are other incorrect statements. Tanganyika is said to have become an English *colony* after World War I (p. 384). The Wolofs of Senegal have been called a *race* (p. 327). Mr. Philibert Tsiranana is both "President and Prime Minister" of Madagascar (p. 218). The largest tribe in Uganda has been called the Buganda, and not the Baganda. In Ivory Coast, the official language is French, "with over 60 African dialects also spoken" as if there is no African *language* in that country. In Mali, we are told, there are "many *ethnic* languages". We are curious to know what an *ethnic* language is.

Lastly, in the Glossary, some of the terms have been inadequately defined. For instance, the term 'British Commonwealth' (why persist in using the adjective when it has been dropped by the organization?) is used to denote "the countries associated with Great Britain—Independent Dominions, British colonies, and countries under British protectorate". Clearly in terms of such a definition, countries like India, Ghana and Tanganyika have no place in the said body. Moreover, the term is said to have been used originally to embrace only the "White Dominions" *inhabited by 'Caucasians'*. The examples quoted include, among other countries, the Union of South Africa and Southern Rhodesia, where the so-called Caucasians are in fact greatly outnumbered by Africans.

We hope the above mistakes will be corrected in the second edition of the publication which, despite all its shortcomings, remains an attractive handbook for the general reader.

Dr. A. K. DATTA

*Department of African Studies, University of Delhi*

**AFRICA: A HANDBOOK TO THE CONTINENT:** Edited by Colin Legum (Asia Publishing House, Bombay, 1962, Pp. 553.)

The book under review is a collection of essays by forty Africanists and is edited by Colin Legum, the famous London *Observer* expert on African affairs. It was an imaginative venture on the part of the editor to get specialists to present a lay reader with a brief account of each territory.

The book is divided into two parts. Section one deals with all the countries of the continent, bringing the picture up-to-date to the end of 1961. It is no slur on the contributors that there have been many developments since they wrote. The second section comprises eighteen essays under five major heads: Attitude to Africa, Aspects of African Art, Changing Cultural Patterns in Africa, Religion in Africa, Economics and the Role of the United Nations.

Part one is essentially informative. The authors write under five heads, namely, General Description, Political Development, Economic Situation, Basic Information and Who's Who. The contributors have been given a free hand and as much space as each subject is held to deserve. In the preface the editor explains: "This is not haphazard. We have attempted—perhaps over optimistically—to select for special treatment those countries likely in the near future to force themselves on public attention, and about which accurate, concise information is not easily available". Bearing this in mind the authors have done remarkably well to compress their material in the short space allotted. The result is a neat account of each territory except where the space is too limited to meet the requirements of even a general reader, leave aside the "politicians and diplomats interested in the affairs of the new crisis continent" at whom the book is aimed. Maybe the editor was concerned about the bulk of the book but for a reference work of this kind one should not be too rigid about size. If the material supplied is so scanty that even a general reader must consult another reference work for general information, the utility of the work as a handbook is comparatively reduced. In the present work, however, the shortcoming is true of only certain countries.

The Second section of the book contains some excellent essays on very well chosen topics. They are of immense interest to a casual reader and some are really thought-provoking. In this category I put

William Fagg's 'On the nature of African Art', L. J. Lewis' 'Education in Africa', Basil Davidson's 'The African Personality' and Colin Legum's 'The Roots of Pan-Africanism'. In 'The Roots of Pan-Africanism' Legum brings us face to face with the reality of the inferior status and degrading treatment meted out to black men by our so-called civilized world for centuries together. Pan-Africanism is the urge to undo that wrong, "... a protest against the 'otherliness' of black man: the universal inferiority of his status" (p. 452). Today the Negro has reacted to this hatred by glorifying his colour and creed. Legum goes on to quote Leopold Senghor, the first President of Senegal and one of the great African poets: "Proclaim all that is black noble instead of dirty, elevate blackness into beauty:

*Woman nude, woman black*

*Clad in your colour which is life...*

*Your beauty strikes me to the heart*

*As lightning strikes the eagle" (p. 454).*

In 'The African Personality', Basil Davidson forcefully reminds the advanced world of the African awakening. He writes: "Cultural reassertion: political resurgence. Inevitably they go together in Africa as they have gone together in every other land. The great themes of renaissance that were first sounded by a handful of men like Césaire and Senghor and Neto have little by little become the conscious property of large numbers of nationalists on the African mainland" (p. 449).

What is lacking in the second part is a suitable survey of the economic potential of the African continent and the economic interests of the Imperial Powers in Africa. The subject is dealt with in Lord Hailey's 'African Survey' (1939 edition) and S. H. Frankel's 'Economic Investment in Africa', a valuable companion volume. Frankel's book is indeed the work of an expert for experts but Colin Legum could have introduced a chapter on this topic written by an expert for the general reader. An essay on Economic Planning in Africa is a must for this sort of handbook.

The book on the whole can be recommended not only for the shelves of libraries, diplomats and politicians interested in Africa but as a useful addition to the collection of specialists. Colin Legum deserves credit for bringing it out at the right time.

R. R. RAMCHANDANI

*Department of African Studies,  
University of Delhi*

## SELECTED BIBLIOGRAPHY ON AFRICA

Compiled by K. H. PATEL

*This feature is presented every quarter with the object of providing a list of recent publications on Africa. It is hoped that this will be helpful to those who are specially interested in the study of African affairs.*

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## Note To Contributors

*The Indian Council for Africa welcomes articles and contributions from all interested in African affairs, especially from those making particular studies of African problems and people. Remuneration may be paid for articles and contributions accepted for publication in the journal.*

*The views expressed in the articles under the authors' names are not necessarily those held by the Council.*

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## **CONTRIBUTORS TO THIS ISSUE**

Dr. S. N. Varma is Head of the Department of African Studies in the University of Delhi.

Mr. U. N. Phadnis is Editor of the "Indian Journal of Adult Education."

Mr. Asok Mitra is Census Commissioner for India.

Mr. R. L. Mehta is Additional Secretary, Ministry of Labour and Employment, and Chairman, Central Board of Workers' Education.

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## INDEPENDENT ZANZIBAR

by S. N. VARMA

THE clove island of Zanzibar, twenty-five miles off the east coast of Africa and a little over 100 miles south of Mombasa, together with Pemba, twenty-five miles to the northeast, and some tiny isles, became independent on December 10, 1963. These islands have a total area of over one thousand square miles (1,600 sq. Km. approx.), more than ten times the size of Malta, and a population of 377,500 people of diverse ethnic groupings—Africans (including Shirazis, Comorians), Arabs and Indians. Zanzibar and Pemba produce 90 per cent of the world's supply of cloves which constitute three quarters of Zanzibar's exports and make a substantial contribution to its revenues.

The independence of Zanzibar has a special significance for East Africa since it was the gateway through which western imperialism entered East Africa. The Arab and Persian influence, which spread to the whole of the east coast of Africa from Somalia to Mozambique and lasted at least two or three thousand years in recorded history, was broken by the Portuguese when Vasco da Gama subdued the Sultan of Kilwa, an island off the east coast of Tanganyika, in 1502. The Portuguese domination lasted two centuries and it was not until 1740 that the Omani ruler, Seif bin Sultan, finally succeeded in ousting the Portuguese from most of the east coast. His successor, Sultan Seyyid Said, was "the creator of the modern state of Zanzibar,"<sup>1</sup> and "one of the most remarkable and romantic figures in the history of Western Asia."<sup>2</sup> He took the momentous decision of transferring the capital from Oman to Zanzibar in 1832<sup>3</sup> which marked the beginning of "a new period in the history of East Africa."<sup>4</sup> In this he was attracted as much by the peacefulness and fertility of Zanzibar as by the prospects of trade—mainly of ivory and slaves—from the mainland. The slaves served a dual purpose. They transported ivory to the coast and were also sold themselves.

Meanwhile European interest in the east coast of Africa was reappearing. The Sultan, anxious to make Zanzibar the commercial centre of East

1. L. W. Holingsworth, *Zanzibar under the Foreign Office, 1890-1913*, London, Macmillan & Co., Ltd., 1953, p. 3.
2. F. B. Pearce, *Zanzibar, the Island Metropolis of Eastern Africa*, London, 1920, p. 112—Quoted in *Ibid* p. 3.
3. Kenneth Ingham in *A History of East Africa*, London, Longmans, 1962, pp. 35, 58, mentions the date as 1840.
4. *Ibid*, p. 35.

Africa, extended a friendly welcome to foreign traders. He made commercial treaties with the United States in 1833, with Great Britain in 1839 and with France in 1844, giving most favourable terms to merchants of these countries. Finally came the trading agreement with Germany in 1859.

Thus was enacted the full scene for the later scramble for spheres of influence and the partition of Africa. Zanzibar was Karl Peters' goal since "it provided the most suitable base at which to prepare expeditions into the interior of East Africa."<sup>1</sup> Karl Peters landed in Zanzibar in November 1884 and within a week crossed to the mainland where in the course of the next few weeks he concluded twelve treaties with African Chiefs, who surrendered their sovereignty over large areas in Tanganyika some distance from the coast opposite Zanzibar. Having done that he hurried back to Germany to hand over the rights he had acquired by these treaties to the newly-formed German East Africa Company. He also obtained a charter from the German Emperor granting protection and recognizing the sovereign rights over all territories acquired by the Society for German Colonization in East Africa, which had been founded by Peters early in 1884.

Protests by the Sultan and British merchants, who had themselves become interested in East Africa only a short time before, had no effect on the British Government which did nothing to halt the German encroachment over the Sultan's mainland possessions. In accordance with the terms of the General Act, adopted at the Berlin Conference of 1885 to settle their conflicting claims peacefully, a tripartite commission, composed of Britain, Germany and France, met in Zanzibar on December 10, 1885, to decide on the delimitation of the Sultanate. The commission's report provided for the partition of East Africa, and accordingly the Anglo-German Agreement of November 1886 recognised the Sultan's authority over the islands of Zanzibar, Pemba, Mafia, and Lamu, and over the coast stretching from Tungi Bay in the south to Kipini at the mouth of the Tana River in the north and extending inland to a depth of ten nautical miles from the high water mark. In addition, his dominion was recognised as extending north of this strip, over the towns of Kismayu, Barawa, and Merka with a radii of 10 miles and over Mogadishu with a radius of five miles.<sup>2</sup>

The Sultan was even denied an opportunity to consider the Delimitation Treaty. Realizing that he was quite powerless to alter the decision, he bowed to the inevitable and signed the treaty on December 7, 1886. In 1887, the Sultan was persuaded to grant to the Imperial British East Africa Company a concession for the administration of the ten-mile coastal

1. Ibid, p. 133.

2. The vast hinterland lying to the west of this 10-mile coastal belt was divided into two 'spheres of influence'. The northern portion from River Umba to River Tana, which is now Kenya and Uganda, was allotted to Britain and the southern section from River Umba to River Rounma, which is now Tanganyika, was assigned to Germany.

strip adjoining Kenya for fifty years for a sum of £11,000 which was equal to the customs duties then obtaining. Anxious to follow this example, the Germans induced Sultan Khalifa, who had succeeded his brother Bargash, to lease to them for a similar period the coastal strip bordering on their own sphere. Although the concession conferred no territorial rights, the Germans began to administer the strip as part of Tanganyika. This aroused the resentment of the coastal people, who regarded themselves as the subjects of the Sultan and rose in revolt against the Germans. The latter quelled the revolt ruthlessly with the help of British warships by blockading the coast. Lord Salisbury, in defending British support, explained that had England stood aloof she would have lost the "power of efficiently protecting the island of Zanzibar itself."<sup>1</sup>

Holingsworth writes that anti-European feeling was on the increase in 1889 in Zanzibar town and there were frequent assaults on British and German sailors in the streets, necessitating the placing of the town under the absolute control of military during the Nairuzi festival—the Swahili New Year festival—in the middle of August when it was rumoured that a general attack would be made on all Europeans living in the town.

Meanwhile Bismarck and Lord Salisbury were both "reaching the conclusion" towards "a final settlement of territorial claims in Africa, before the intense rivalry. . . led to a permanent breach in Anglo-German relations."<sup>2</sup> The result was the Anglo-German Agreement, signed on July 1, 1890, by which a British Protectorate over Zanzibar and Pemba and over the Sultanate of Witu was imposed on the Sultan to offset the growing influence of Germany in Zanzibar. In return Britain ceded Heligoland to Germany and accepted certain alterations of boundaries in West and South-West Africa. She also undertook "to use all her influence to facilitate a friendly arrangement by which the Sultan of Zanzibar shall cede absolutely to Germany his possessions on the mainland comprised in existing concessions to the German East Africa Company"<sup>3</sup> in return for "an equitable indemnity."<sup>4</sup> The boundary between the British and German spheres of influence in East Africa was to be extended westward across Lake Victoria and then on to the Congo border along the 1° south latitude. The northern boundary of the British sphere was now loosely described as following first the Juba River and then extending onwards to the Nile.

Zanzibar was administered by the Foreign Office between 1890 and 1913 when, in keeping with the other East African territories, its administration was transferred to the Colonial Office. To allay the Sultan's anxiety about his position the British Government set up a Protectorate Council composed of three official and three unofficial

1. L. W. Holingsworth, *op. cit.* p. 29.

2. *Ibid.*, pp. 37-38.

3. Quoted in *Ibid.*, pp. 44-45.

4. The indemnity fixed later after considerable higgling was £ 200,000 leaving the Sultan still dissatisfied.

members. The latter were appointed by the British Resident with the approval of the High Commissioner. The Sultan presided at the meetings of the Council and the Resident was its Vice-President. The functions of the Council were purely advisory, and "proved to be far below the constitutional capacity of the country."<sup>1</sup>

This system of administration, which lasted until 1925, was far from satisfactory. There had been "a marked absence of consultation and co-operation with the unofficial community."<sup>2</sup> There was a unanimous demand from the representatives of the people that the post of the High Commissioner should be abolished and the constitution of the Protectorate Council liberalised. The Sultan in his memorandum to the Ormsby-Gore Commission, suggesting the abolition of the office of the High Commissioner, observed:

"Formerly Kenya was ruled from Zanzibar, but now it would appear from debates in the Legislative Council of Kenya as if Zanzibar was ruled by Kenya. The post of the High Commissioner was started as a temporary one only. . . It should now be abolished; firstly, on account of unnecessary expense, and, secondly, because in former times the decrees which I or my predecessors promulgated when under the Foreign Office became law when countersigned by His Majesty's Diplomatic Agent, while now they must go to Nairobi for approval. In any case, the Government of Kenya can have little knowledge of affairs in Zanzibar, where conditions and problems differ so profoundly."<sup>3</sup>

The Commission, accepting the demand of the Zanzibarians, recommended the abolition of the office of the High Commissioner whose powers were then to devolve on the British Resident. The office was abolished on September 25, 1925.

The Commission also recommended the replacement of the Protectorate Council by a Legislative Council with an official majority and an Executive Council to advise the Sultan and to decide on the Government measures to be introduced in the Legislative Council. The Legislative Council would discuss and approve the annual estimates, promote legislation, and debate matters of general interest.<sup>4</sup> The pattern thus emerged was in conformity with the system of government operating in Crown colonies throughout the British dominion.

1. R. H. Crofton, *Zanzibar Affairs, 1914-1933*, London, Francis Edwards Ltd., 1953, Preface p. vii.

2. *Ibid.*, p. 75.

3. *Ibid.*, p. 76.

4. The Legislative Council was composed of the British Resident as President, the Chief Secretary to the Government, the Attorney-General and the Treasurer as ex-officio members and five official and six unofficial members appointed by the Sultan. The number of unofficial members was later increased to eight, including three Arabs, two Africans, two Asians, and one European. The Executive Council consisted of His Highness the Sultan as President, the British Resident as Vice-President, the Chief Secretary to the Government, the Attorney-General and the Treasurer as ex-officio members and three other senior officials appointed by the Sultan.

For the next thirty years Zanzibar was governed under the constitution promulgated by the Zanzibar Councils Decree, 1926. The reason was not the contentment of the Zanzibaris with the constitutional changes introduced in 1926 but their internal divisions based on linguistic, cultural and racial factors which the colonial Power fully exploited. The conservatives and the traditionalists were kept satisfied with the banality of official favours.

However, Zanzibar could not remain aloof from the tempo of the nationalist ferment generated by the events which took place in the world, particularly in Asia and Africa, after World War II. The Arab Association, which was the most powerful of all the communal groups, had by this time got into the hands of the more progressive younger elements. It asked for the scraping of the outmoded 1926 constitution and to exert the necessary pressure it boycotted the wholly government-appointed Legislative Council and all statutory bodies and committees and refused to support a government which, in its opinion, sought to divide the people. In its manifesto, the Arab Association demanded the immediate introduction of universal adult suffrage and a common roll. When in 1955, Mr. Mathoeson, the Colonial Office official in charge of East African affairs, visited Zanzibar, the nationalists reiterated their demand for independence. The same year, the Arab leader, Sheikh Ali Muhsin, who became the first Prime Minister of independent Zanzibar, visited Great Britain in order to make a vigorous representation to the Colonial Secretary.

As a sequel to these pressures, the British Government reluctantly agreed to announce new constitutional proposals with a view to providing "internal self-government" within the Commonwealth by appropriate stages. The first of the steps, announced towards the end of 1955, envisaged the creation of a Privy Council with purely advisory functions and, more important, the enlargement of the Executive and Legislative Councils. The Executive Council consisted of the British Resident as President, four *ex-officio* members, three officials to be nominated by the Sultan on the advice of the Resident and three nominated unofficials—one Arab, one Indian and one African. Elections on a common roll were provided for six of the 12 unofficial seats in a Legislative Council of 26 members.

The most startling result of the changes was the emergence of political consciousness among the Africans who formed two-thirds of the islands' mixed population but who were hitherto politically inactive. They now grew increasingly conscious of Arab "control" over their lives and the economy of the country. When on July 22, 1957, for the first time in the history of Zanzibar, some 40,000 voters registered on the common roll went to the polls<sup>1</sup> to elect the six unofficial LEGCO

1. See *Keesing's Contemporary Archives*, 1957, p. 15744. The franchise was exercised by men over 25 years of age who were literate (in English, Arabic or Swahili); or who had property worth £ 150; or an annual income of £ 120 or over; or had been in government service. Men over 45 were allowed to vote without possessing any of these qualifications.



members, the Afro-Shirazi Party (A.S.P.)—a coalition of the African Association (composed of Africans from the mainland) and the Shirazi Association (composed of Africans who claim Persian origin dating back to the 8th century)—won five seats. The remaining seat was won by the Muslim Association composed of persons of Pakistani origin. The Zanzibar Nationalist Party (Z.N.P.)—a coalition of the Arab Association and the Nationalists—failed to gain any seat.

Although differences had developed in the internal politics of Zanzibar, the two parties continued their struggle for freedom against the Colonial Power. On April 24, 1959, the leaders of the Nationalist and the Afro-Shirazi parties submitted a joint memorandum to the British Resident, proposing an immediate Round Table Conference with a view to granting self-government to Zanzibar.<sup>1</sup> Despite its rejection, the two parties continued to press their demand.

As a result of these pressures, new constitutional proposals were initiated in March 1960, according to which changes were introduced both in the composition and in the powers of the Legislative and Executive Councils making them more representative in character as well as giving them wider authority. The new law allowed the Zanzibaris to elect 22 of the Councils' 30 members, with the understanding that the government would be headed by a Chief Minister chosen from among the elected members.

In the elections held on January 17, 1961, candidates were put forward by three parties—the Nationalists, the Afro-Shirazi Party and the Peoples' Party of Zanzibar and Pemba (Z.P.P.P.). The latter had broken away from the Afro-Shirazi Party early in 1960. The Nationalists and the Afro-Shirazis won 9 and 10 seats respectively and the Peoples' Party 3 seats. Soon after the election, Z.P.P.P. members were split on the issue of support in the LEGCO. Two of them went over to the Z.N.P. and one to the A.S.P.<sup>2</sup> Since this equal division of votes prevented the A.S.P. from forming the government, the British Resident, Sir George Mooring, decided to hold fresh elections and at the same time one elective seat was added for Pemba.

The new elections were held on June 1, 1961, to elect 23 members. The same three parties ran candidates. The elections, in which 94 per cent of the electorate voted, resulted in a victory for the Z.N.P.-Z.P.P.P. alliance, although the A.S.P. obtained 1,692 more votes than the victorious coalition.<sup>3</sup> The Z.P.P.P. leader, Sheikh Mohammad Shamte Hamadi, became Chief Minister.

Soon after the Zanzibar Government under the leadership of the Chief Minister opened discussions with the British Government for a Round

1. Bertold Shliman, 'Zanzibar', *New Times* (Moscow), No. 28, July 12, 1961, p. 27. The memorandum said: "We urge the British Government to take initiative and grant us self-government.....The time for self-government is now".
2. See *Keesing's Contemporary Archives*, 1961, p. 18265.
3. *Ibid.*, p. 18267.

Table Conference in London to fix a date for independence. The constitutional talks opened in London on March 19, 1962. Differences arose between the parties on the timing of the elections, the extension of the franchise and the delimitation of the constituencies. The A.S.P. demanded fresh elections before internal self-government, extension of the franchise by lowering the minimum voting age to 18 and redrawing of the boundaries of the constituencies. The Colonial Secretary, Mr. Maudling, thought that it was too early to fix a date for the elections. He also declined to consider the question of lowering the age for the voter but agreed to extend the franchise by removing the means and educational tests. The Round Table Conference ended without agreeing to any detailed plan for constitutional advance.

The Conference, however, reached agreement on certain matters relating to internal self-government. It was agreed that (a) a Bill of Rights should be included in the Constitution; (b) Executive Service Commissions should be set up for the Public Service, the Judiciary, and the Police; (c) a Delimitation Commission should lay down the constituencies for the next elections. Sir Robert Arundell, who was appointed Delimitation Commissioner in August 1962 and whose report was published in October, recommended the creation of 31 single-member constituencies—17 in Zanzibar and 14 in Pemba.<sup>1</sup>

During his visit to Zanzibar on February 26-28, 1963, the Commonwealth and Colonial Secretary, Mr. Duncan Sandys, after discussions with the Sultan, the Cabinet Ministers and the political leaders, declared that electoral preparations would be speeded up and that as soon as the Zanzibar Government was ready to hold the elections, the British Government would announce the date for internal self-government. It would also make an announcement on the final preparation for independence soon after, provided peace and order remained undisturbed.

The Zanzibar LEGCO approved the bill providing for internal self-government on June 2, 1963, and the formal inauguration of self-government took place on June 24.<sup>2</sup> The eight-member cabinet of Sheikh Muhammad Shamte Hamadi took the oath of office. However, the Opposition Leader, Mr. Othman Shariff of the A.S.P., complained that it was wrong for the British Government to have given internal self-government to Zanzibar before the elections. The Afro-Shirazis boycotted the self-government celebrations.

The final act of the drama leading to Zanzibar's independence from colonial rule was staged when the elections were held under adult franchise in July last year. The ruling coalition of the Z.N.P. and the Z.P.P.P. won 18 (Z.N.P. 12 and Z.P.P.P. 6) of the 31 seats. The A.S.P. got only 13 seats but it secured 54 per cent of the total votes polled. It lost four seats by narrow margins in Pemba.

1. *Ibid* 1963, p. 19552.

2. *Loc cit.*

What the Z.N.P. gained by its coalition with the Z.P.P.P. it lost by a split in its leadership just before the July elections. Sheikh Abdul Ramad Mohammad Babu, who was Secretary-General of the Z.N.P., and Abdulla Hanga, Vice-President of the A.S.P., both considered militant socialists, formed the Umma Party which, in collaboration with the A.S.P., has allegedly been behind the recent *coup*. It is clear that the alliance was not effective during the elections since the Z.N.P. "scored a special triumph in the elections considering that the Arab element is only one-seventh of the population and that nearly 99 per cent of the electorate turned out to vote."<sup>1</sup> It would seem that the Z.N.P.'s victory at the polls was due to the support of a sizable section of the Afro-Shirazi population. In fact Babu, until he turned against the Z.N.P., was himself always attacked as an "Arab."<sup>2</sup>

Whether the new balance of forces brought about by the revolt would become stabilized is difficult to say. It is hardly clear if the alliance between the leaders of the Umma Party and the A.S.P. is sufficiently ideological. No doubt, the Afro-Shirazi leaders speak for the mass of poor workers, who are mainly Africans from the mainland, as against the Z.N.P. leadership, which is mainly supported by the middle class, predominantly Arab. Yet both Sheikh Abid Karume and Othman Shariff, the two principal leaders in the new Government, are rather conservatives, despite the former's trade union background. The latter attended the All-African Peoples' Conference in Cairo in 1961 "with the specific purpose of attacking both President Nasser's policies and Chinese intervention in Zanzibar's affairs."<sup>3</sup> On the other hand, Babu and Hanga, who seem to be the architects of the revolt, are both militant socialists and have spent time in Russia and China. Babu was reportedly getting monetary aid from Peking even while he was Secretary-General of the Z.N.P. The main reason for his exit from the Z.N.P. and his formation of the Umma Party, as stated by him, was the fear that the Z.N.P. was undermining his position and had in fact developed "an anti-African bias."

Another factor in the situation to be taken into consideration is the support the A.S.P. and the Umma Party have from the Governments on the mainland. Evidence seems to point that there is more in the nature of active support from these Governments, especially Tanganyika, than mere sympathy. Tanganyika, however, has not recognized the new Government.

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1. *The Hindustan Times* (editorial), New Delhi, July 17, 1963.

2. See Colin Legum, 'The Mystery Man behind the Revolt', *The Hindustan Times*, New Delhi, January 19, 1964, pp. 1 & 8.

3. *Ibid.* p. 8.

## CONTEMPORARY KENYA AND JOMO KENYATTA

by U. N. PHADNIS

**I** 848. Europe in convulsions. The nation-states that had emerged after the overthrow of the Bonapartist Empire smart under the memory of the fresh indignity of foreign rule and are anxious to strike a path to vindicate their national glory. But they face the bitter aftermath of the industrial revolution. The bourgeoisie that inherits power in these states is under great pressure from the masses. There are compelling demands for the "Right to Work" and for a greater share of national prosperity. Socialism is in its embryonic stage. Robert Owen, smitten by an acutely sensitive social consciousness, experiments with his settlement "New Harmony". Saint Simon has already spoken of "New Christianity" to instil a new scale of social values in society. Karl Marx and Frederick Engels proclaim the Communist Manifesto. The proletariat of Paris rise in revolt and the abortive Paris Commune becomes a legendary fact of history.

A result of these pulls in European society is the intensified drive among the nations in the continent to secure control over as large a chunk of colonial territory as possible. A scramble follows. He who gets the firstest gets the mostest. Cecil Rhodes, the high priest of British colonialism in Africa, stresses the urgency to extend the "British Empire to provide new outlets...to afford further scope for British enterprises".

1848. Two European missionaries stray into East Africa and sight Mount Kenya and Kilimanjaro. They explore the highlands of Kenya and their reports emphasize the agreeable climate of the area. The British are already aware of its strategic utility to control the sources of the Nile and as a beach-head to expand in Central Africa. Odd British commercial enterprises soon begin to penetrate into Kenya and thirty years later the British Government grants a charter to the Imperial British East Africa Company to exploit Kenya and Uganda. The stage is set for British rule in Kenya and, sure enough, seven years later, the East African protectorate is proclaimed.

The history of Kenya is no longer to be woven of the warp and woof of their folklore and folk arts, nor even of their innocent pre-occupation with the mysteries of nature, but of a sheer struggle for existence against the white settlers who, day after day, encroach on their productive land,

erode their way of life, jettison their norms and values and uproot an indigenous social system.

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THE British Government's policy in Kenya, in common with its policies in other parts of Africa but sharply different from those in India and elsewhere in Asia, was not merely to use the available resources for capitalist exploitation but actually to *colonise* land.

The beginnings of this policy date back to 1901 when the Uganda Railway reached Lake Victoria. This rail link was vital for British strategy in this part of Africa; it was necessary to ensure control over the sources of the Nile. The rail link was, however, useless for any other purpose so much so that it earned the nick-name of "Lunatic Line" and cost the British tax-payer quite a penny although its construction was accomplished with cheap Indian labour. The British decided to colonise the land to make the line profitable. The first settlers were brought to Kenya in 1901 and colonisation, thereafter, spread rapidly. During 1903-4, John Gunther notes in "Inside Africa", 220,000 Highland acres were transferred to 234 individual European farmers not to speak of blocks of 300,000 acres made over to the European syndicate.

The British Government soon after issued a *firman* called the Crown Lands Ordinance, which declared that land that was not under productive use belonged to the Crown and would be offered to European settlers. Thus it happened that the African tribes got increasingly huddled in smaller and smaller reserves and the European settlers had at their disposal vast expanses of farming land.

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AMONG the tribes in Kenya, the Kikuyus were the worst hit by this policy. They were ardently devoted to their land but owned little. Yet most of it was taken from them on the pretext that land under their title was not productively used although they were good agriculturists and had brought under cultivation the whole area which they had controlled. Lord Lugard, a British pioneer in Kenya, reported in 1890 that his party had bought "20,000 lb. of grain and beans in a few days at an excessively cheap rate". This, Lord Lugard emphasized, was in spite of a locust invasion over the territory.

It was therefore natural that the Kikuyus should spearhead opposition to the British. The sporadic resistance of the Kikuyus emerged as a coherent political opposition soon after World War I. The British intensified the "white settler" policy and scores of British ex-servicemen were provided with farmlands in Kenya. Besides, many dispossessed Kikuyus, who had found employment in British enterprises, came into frequent clashes with their employers.

All this found expression in the formation in 1921 of the Kikuyu Association, an organisation composed mostly of tribal chiefs. Its purposes

was mainly to protect their landed interests. Even so it was a beginning and soon a Young Kikuyu Association (Y.K.A.) came into existence to give expression to the discontent of a much wider section of Kikuyus, specially those employed by the British and those living in urban areas.

The British, in an attempt to snuff out this nascent expression of political consciousness, detained in 1922 the organisers of the Y.K.A. This only served to spread discontent, not only among the Kikuyus but also among the other tribes in Kenya and the Y.K.A. soon transformed itself into the Kikuyu Central Association demanding the return of Kikuyu lands and representation in the legislature.

Notwithstanding oppression (perhaps because of it), the K.C.A.'s influence snowballed into a vigorous political movement. Mass meetings and public demonstrations became the order of the day so much so that the Chief Native Commissioner rather helplessly admonished the C.K.A. for adopting such means as "mass meetings, letters to the press and direct petitions to the Government" to ventilate their grievances instead of making use of the forum provided by the tribal council.

Simultaneously as the K.C.A. was leading the political struggle, a number of organizations came into existence to provide educational facilities to the Africans. Prominent among these were the Kikuyu Independent Schools Association and the Kikuyu Karinga Education Association. These organizations, along with the African Church Organisation, provided the K.C.A. with the support necessary to sustain faith in the African way of life and in the cause of their freedom.

World War II brought in its wake further suppression of patriotic forces in Kenya. The K.C.A. was banned and its leaders thrown into jail. A new leadership emerged to carry on an underground struggle. The leaders now concentrated on organising labour and Africans in urban centres. Trade unions and social welfare organizations were set up in various towns. The K.C.A., with its forces spread to urban centres, was now able to draw the allegiance of a wider population cutting across tribal loyalty.

Kenya's final bid for independence may be said to have begun in 1947 with a strike in Mombasa called by the African Workers' Federation. The strike leaders were promptly arrested. Yet another strike followed, this time in Nairobi. These led to demonstrations and often the police opened fire, killing many Africans. The disturbances were not confined to towns but spread over the entire territory and in 1952 the British declared a state of emergency. All African political parties were banned and their leaders arrested. Under the pretext of suppressing the Mau Mau, the British Government let loose a reign of terror, ruthlessly killing Africans and destroying their property. Undaunted, the Africans fought back.

These developments affected the pattern of the K.C.A., which in 1946 had got itself transformed into the Kenya African Union. The political movement had thrown up a wide variety of forces which the

party had now to absorb. The emergency ended in 1955 but political activity was restricted and the Government permitted the African parties to function only at the district level. The purpose of the manoeuvre was to prevent the evolution of a homogeneous national African party capable of challenging white supremacy. Subsequently, the Government under pressure conceded to the organisation of African political parties on a national level provided they were inter-racial in character. In 1960 the hard core of the K.C.A. and the K.A.U. defied this *firman* and announced the formation of the Kenya African National Union (K.A.N.U.) The K.A.N.U., with an organisational network covering the entire country, naturally emerged as the dominant force, mature enough to assume power when the British decided at long last that Kenya was no longer a country they could rule.

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A POLITICAL narrative of the bare facts of history and a catalogue of its high spots hides more than it reveals. History is intelligible only in terms of the conflict of human factors—rational and irrational, of motives—lofty and mundane—of behaviour—heroic and cowardly. As a corollary, it represents an assessment of the leaders who inspired men and possessed the ability to gauge human frailty and strength. Mahatma Gandhi emerged as the leader of his people because he understood the material with which he wanted to build modern India.

Kenya found such a man in Kenyatta. Born of Kikuyu parents at Ichaweri, he was forced by circumstances to leave his home. He migrated to Nairobi as many of his contemporaries had done. Employed as an inspector of water supplies, he came to be known as Kenyatta after the beaded belt he used to wear. His contact with politics began when he enrolled himself as a member of the East African Association which Harry Thuku had formed to develop political consciousness among the Africans. Kenyatta soon made his mark as an able organizer and became general secretary of the Kikuyu Central Association and founded its newspaper "Nwigwithania" (Unity.)

Kenyatta's first major political assignment came in 1928 when he put forward the African case on the land question before the Hilton Commission. Following this, he became a member of a delegation to England and it was mainly his ability to carry conviction that won for the Kikuyus their first base in politics: the right to establish, run and manage their own independent schools. This enabled the Kikuyus later to draw their sinews in their repeated struggles against the British.

Kenyatta had had only a rudimentary education in his childhood, as much as a Church of Scotland Mission could provide him, before he left for Nairobi. This whetted his quest for higher education. He seized the opportunity when he visited England in 1931 and joined the Quaker College at Woodbrooke. A testimony to his extraordinary intellectual ability is that in five years he took a post-graduate diploma in anthro-

pology at the London School of Economics under the well-known authority, Professor Malinowsky.

Kenyatta's life in England was not all spent in academic pursuits. A number of coloured celebrities were his contemporaries in London. He had, in fact, shared a flat with Paul Robeson and Peter Abraham, a coloured South African writer. Kwame Nkrumah too was in London. Kenyatta made common cause with him and several other prospective African statesmen to organise the fifth Pan African Conference at Manchester in 1945.

He returned to Kenya in 1946 and found the political climate demanding a man of his abilities. The Kenya Central Association, of which he had been General Secretary, had been proscribed but political activity among Africans was at a high pitch. In the place of the proscribed Kenya Central Association, James Gichuru and Oginga Odinga had formed the Kenya African Union of which Kenyatta was elected president in 1947. The British had announced constitutional changes in Kenya and were to hold elections in 1948. Under these proposals the Legislative Council was to consist of 6 officials, 11 elected Europeans, 5 elected Indians, one elected Arab, one appointed Arab non-official and 4 appointed African non-officials. Kenyatta's main objective was to organize the country and secure substantial and elected African representation in the Council. Soon after assuming presidentship of the Kenya African Union he undertook a whirlwind tour of the country addressing mass meetings, toning up the party organisation and preparing the Kenya African Union to press its demands through a struggle if not across the conference table.

Fate had ordained that the African demands were to be met only through the hard path of struggle and sacrifice. Kenyatta was equal to the task. As African unrest was mounting, a Mau Mau rebellion broke out in 1952 and the British promptly clapped Kenyatta into gaol. Apparently drawing upon the precedent they had established 10 years earlier when they had sought to show that Mahatma Gandhi was responsible for the outbreak of violence in India after the 1942 "Quit India" resolution, the British foisted responsibility for the Mau Mau violence on Kenyatta. In doing so, however, the British merely repeated a mistake for Kenyatta's arrest boomeranged and the Mau Mau violence increased in volume. In a vengeful frenzy British troops destroyed Kenyatta's house. He was tried and sentenced to seven years' imprisonment after a trial lasting a year.

Early in his political career, Kenyatta seems to have realised that an abiding inspiration for Kenya's struggle for freedom could come only from a reassertion and not a denial of her people's faith in their own culture. Thus, one of the first political battles he had fought for was to establish the right of the Kikuyus to found and run their own schools. Having won this right for them, Kenyatta exerted himself towards strengthening the Kikuyu Independent Schools Association and the Kikuyu Karinga Education Association which ran hundreds of schools for Kikuyu



children. The schools cultivated sentiments of patriotism and in due course became not only the leading agents to develop political consciousness in society, but also the focus of resistance. The role of these institutions is strikingly similar to those that Mahatma Gandhi had helped to found in India simultaneously with his call for the boycott of educational institutions run by the British Government.

Kenyatta's fifteen years' stay in England helped him to formulate the problems of the Africans in sustaining the integrity of their culture against the onslaught of foreign rule. One of his early publications, *Facing Mount Kenya*, is thus a study of the customs of the Kikuyus and an assessment of the damage caused to their traditions by the imposition of a civilisation alien to the land. Dedicating the book to his tribe, he declared that the fight for African freedom was "a perpetuation of communion with ancestral spirits in the firm faith that the dead, the living and the unborn will unite to rebuild the destroyed shrines."

Kenyatta's interpretation of African freedom as a cause in the preservation of the time-honoured traditions of the Kikuyus did not, however, blind him to the harsh realities of their day-to-day life. As far back as in 1928, in a letter to *The Times*, Kenyatta formulated African demands for title to their land, elected representation in the Legislative Council and educational facilities which would help in "elevating the people to the willing rejection of the bad." In 1945 he published a pamphlet entitled *Kenya—Land of Conflict* in which he warned the settlers of the disastrous consequences of their iniquitous land policies. The settlers took no heed and the worst followed.

When Kenyatta returned to Kenya in 1946 the country was seething with discontent. Large numbers of Africans who had just returned from war began to look for the Four Freedoms at home for which they had risked their lives in far-off lands. What they found, however, was that a statistically insignificant minority (67,700 in a population of 6,550,700) wielded power which it unhesitatingly used to retain its vested interests. When its power was challenged beyond endurance, it demanded parity with the Africans in their own land and preached the virtues of a "multi-racial" Government to a people who had been impoverished by sheer exploitation and whose traditional ways had suffered irreparable damage. A violent revolution, against which Kenyatta had warned the settlers, broke out. The Government hoped to wash it away by giving it a bad name and called it "Mau Mau violence."

Kenyatta, now at the helm of the movement as president of the Kenya African Union, answered back:

"I want you to know the purpose of the K.A.U. It is the biggest purpose the African has. It involves every African in Kenya and it is their mouthpiece which asks for freedom. The K.A.U. is you and you are the K.A.U. If we unite now, each and every one of us, and each tribe to another, we will cause the implementation in this country of that which the European calls democracy. True democracy has no colour distinc-

tion. It does not choose between black and white. . . We are not worried that other races are here with us in our country but we insist that we are the leaders here, and what we want, we insist, we get. . . He who calls us the Mau Mau is not truthful. We do not know this thing Mau Mau. . . The K.A.U. is not a fighting union that uses fists and weapons. . . Remember the old saying that he who is hit with a rungu returns, but he who is hit with justice never comes back."

The settlers began to feel concerned at the growing popularity of Kenyatta. His understanding of the ethos of tribal customs and traditions enabled him to establish a rapport with the elder African chiefs and rally them round to the cause of the nation's freedom. His insight into the problems of contemporary politics and his ability to articulate the aspirations of the younger generations won for him the unquestioning loyalty of the dynamic elements of society seeking to create a modern Kenya. The settlers, thus, found Kenyatta with a solid phalanx of support not only from all sections of Kikuyus but also from important sections of other tribes. Kenya reverberated with the demand for freedom, for African supremacy in Africa. Driven to panic, the Government struck; Kenyatta was arrested on October 22, 1952, charged with responsibility for the so-called Mau Mau violence and was sentenced to imprisonment for seven years.

Kenyatta's arrest triggered off Kenya's final bid for freedom. Resistance intensified and left no alternative for the British except to devise means of coming to terms with African nationalism. Various constitutional remedies were tried out with a view to neutralising the growing strength of the nationalists. For the first time one African had been appointed to the twelve-man Legislative Council in 1951; two were appointed in 1956 and finally, in 1957, eight were to be elected on a severely restricted franchise to ensure that only those Africans who could be relied upon not to challenge British rule would be elected. As it happened, however, so overwhelming was the African sentiment against these constitutional reforms that even those eight elected to the Council refused to accept ministerial responsibility and declared their opposition to such reforms.

While these reforms were being introduced the main body of African nationalists were under persecution. Under the emergency that was declared in 1953 and thereafter, the organisation of political parties at the national level was banned but their functioning at the district level was permitted. Even so, representatives of these organisations, who were at Lancaster House for a conference with the British Government, announced the formation of the Kenya Independence Movement which was forthright in its declaration:

"African freedom will be achieved only through African nationalism. We refuse to sacrifice our nationalism for vague and deceptive non-racialism or multi-racialism, designed to deflect the African from his rightful goal that Kenya must be free and independent."

The signatories to the declaration announced in 1960 the formation of the Kenya African National Union with Kenyatta as President. The Government refused recognition to the party and James Gichuru took over the presidentship until such time as Kenyatta could become President.

Soon thereafter, the elections in 1961 held under the Lancaster House Constitution brought the K.A.N.U. as the single largest party. The K.A.N.U., however, refused to form a government till Kenyatta was released from jail. The other African members of the Legislative Council had already started a campaign for his release in 1958 and, six months before his sentence was due to end, Kenyatta was released from prison but was confined to detention in far-off Lodwar. The K.A.N.U.'s electoral success compelled the British Government to relax the restrictions on Kenyatta and allowed him to hold a press conference on April 11, 1961. Reporting on the conference, a Correspondent of The Times said:

"For three hours he faced questions from more than fifty journalists with a sharpness and agility that many western politicians might envy, dispelling once and for all the illusion that he is an old man who wants nothing better than to spend his last years in peace. . . He said that Europeans would find a place in the future of Kenya provided that they took their place as ordinary citizens. . . He condemned violence and the oath-taking ceremonies of Mau Mau. . ."

The attempt "to crush" Kenyatta was foredoomed to failure for with the elections having demonstrated African supremacy, the only political battle that remained to be fought was for the release of Kenyatta. *Uhuru na Kenyatta*, Freedom with Kenyatta, became the slogan of all Africans irrespective of sex, age or political opinion. The British announced his release in August 1961 but fought one final rear-guard action; they disqualified him from becoming a member of the Legislative Council on the ground that he had served a prison sentence of more than two years. But they had to retract and a few months later the Colonial Secretary announced an amendment abrogating this law and Kenyatta was returned unopposed to the Legislative Council on January 12, 1963, and became Prime Minister.

*Uhuru na Kenyatta* had become a reality and the architect of Kenya's freedom now became the architect of its future.

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## RESURGENT AFRICA

by ASOK MITRA

**T**HIRTY years ago Rabindranath Tagore paid his homage to Africa in a long poem composed in *vers libre*, a medium he was using almost for the first time. It made one feel that the great continent needed this new vehicle in which to receive the poet's sentiments of humiliation, anguish, savage indignation and hope. The poem was occasioned by the march of Mussolini's army into Ethiopia. This fresh act of imperialist rape, terror and enslavement, right under the nose of those nations which professed to hold their freedom most dear, moved the poet even more deeply than the sufferings of his own country.

Africa had seemed several times more remote from freedom than India even in 1940. Before and during World War II India was the vital symbol of a determined struggle for freedom in Asia and Africa. India's success in 1947 undoubtedly inspired the African nations to prepare for the sharp, brief, final conflict. The triumph of the human spirit made this struggle both short and swift. Today the African can move about in most parts of the continent and the world with his head held proud and high. What is more, he is busy ordering his own destiny. And since all destinies today are inextricably intertwined we too shall have an abiding interest in what Africa will shape for her own peoples.

In which ways, one wonders, would Africa be different from the other continents, if at all, and in which ways similar? To what historic period of any of the other continents does she bear the most resemblance? Or is her situation unique which calls for wholly original solutions?

Although the prehistory of Africa is even more prehistoric in certain parts of it than anywhere else in the world, and although parts of Africa bear witness to the work of man as ancient as human civilization itself, one would not be far wrong to think of the great continent as comparatively unencumbered by the trammels of an ancient civilization. Africa is of course not as new and unencumbered by the weight of history as the United States of America. But apart from those States which have dominantly Muslim populations and therefore have had continuous histories for the last thirteen hundred years, Africa somehow presents the vision of a new country with a new people. Although primitive is a bad and unsuitable word, it tends to stand for societies where labour and skill are still undifferentiated and where the organisation of the means of production is still largely in the hands of village communities and not of individuals or groups of individuals. The load of primitivism, however, does

not seem in the public mind as heavy and intractable as the incrustations of an ancient civilization. Of this we are aware in our own country where modernisation of tribal life seems much easier of achievement than of Hindu or Muslim society. Crust upon crust of ancient social organisation can become a habit which one cannot always break. In short, one feels that Africa's past is not the kind of limiting factor for the future as it is with Asia. One is apt to magnify one's own difficulties. Nonetheless one feels that it may be easier for Africa than Asia to break with the past and turn over a new leaf altogether. One may be less one's own enemy there than here. Africa today is not, of course, in the same happy predicament as North America and Australia with their boundless horizons in the seventeenth and eighteenth centuries but she seems less constricted in her choice than Asia. She induces visions of a new continent with new peoples, new forms of government and new aspirations. Whatever they may or may not stand for, Nasser or Haile Selassie, Kenyatta or Mboya, Nkrumah or Ben Bella are not certainly up the same street as the Shah of Iran or Ayub, Sarit or Nhu. It is much more difficult for the former group to mix their periods of history or to move away from the present.

Despite her low population base compared to her natural resources and her vast territory, Africa's situation is quite different from that of North America or Australia two centuries ago. The latter continents were fashioned anew by immigrants from the most developed area in the world who brought into play all the resources of their skill and education, complex forms of entrepreneurial organisation and investment. The greatest asset was human skill and organisation, all of which was imported and grafted, the most important area of application to start with being agriculture and agronomic practices. Demographically the immigrants were predominantly of higher working age groups with a child ratio similar to what obtains in Europe today. There is, therefore, no historic parallel to the African situation in any of the other continents. Even Latin America is different inasmuch as the settlers from Europe struck a different kind of relationship with the original inhabitants and evolved a new pattern of production and distribution which Africa cannot but reject.

Yet the demographic, social and economic situation in Africa as a whole is a curious mixture of all the continents. Egypt, part of Sudan, Libya, Morocco, Algeria and Tunisia, for example, bear some resemblance to Asian countries, while South Africa is in certain respects more like the Dominions of Canada and Australia than India. Congo, Rhodesia and Nyasaland can be compared to some of the north Latin American countries. The rest of Africa evokes a vision of underlying unity amidst great diversity. This unity perhaps obtains more in what the African countries lack in common with each other than in what they enjoy.

The United Nations Organisation considers Africa as a Region. This Region was divided in 1959, for the consideration of various issues, into three geographical sub-regions: North Africa, West Africa and South

and East Africa. North Africa comprised Sudan, UAR (Egypt) and the countries on the Mediterranean coast, Algeria, Libya, Morocco and Tunisia. West Africa comprised Cameroun, former French West Africa consisting of Dahomey, Guinea, Ivory Coast, Mali, Mauritania, Niger, Senegal, and Upper Volta, former French Equatorial Africa consisting of the Central African Republic, Chad, Congo (Brazzaville) and Gabon, Gambia, Liberia, Nigeria, Sierra Leone and Togo. South and East Africa consisted of Angola, Basutoland, Bechuanaland, Congo (Leopoldville), Ethiopia, French Somaliland, Kenya, Malagasy Republic, Mauritius, Mozambique, Reunion, Rhodesia and Nyasaland, Ruanda-Urundi, South-West Africa, Swaziland, Tanganyika, Uganda, Union of South Africa, Zanzibar and Pemba.

Of these States none except UAR (Egypt) (592), Mauritius (333), Reunion (129), Ruanda-Urundi (88) and Zanzibar and Pemba (115) has a density exceeding 38 persons per square kilometre of total land area. In States like Libya, Mauritania, Bechuanaland and South-West Africa the density is as low as 1. In Niger, the Central African Republic, Chad, Congo (Brazzaville) and Gabon it is no more than 2. In Algeria (5), Sudan (5), Cameroun (7), Ivory Coast (10), Mali (4), Angola (4), Congo (Leopoldville) (6), French Somaliland (3), Malagasy (9), Mozambique (8), Rhodesia and Nyasaland (7), Somalia (3) and Tanganyika (10) the density is still very low. It is only Morocco (26), Tunisia (31), Dahomey (17), Guinea (11), Senegal (13), Upper Volta (13), Gambia (29), Ghana (28), Liberia (11), Nigeria (38), Sierra Leone (33), Togo (25), Basutoland (22), Ethiopia (18), Kenya (11), Swaziland (14), Uganda (27) and Union of South Africa (12) that have densities ranging between 11 and 38 persons per square kilometre. Africa as a whole has a density of 8.

How little of Africa has been brought under cultivation will be evident if we compare the crude densities as given above with the density per square kilometre of total agricultural land. UAR (Egypt) enjoys the highest density (973) per square kilometre of total agricultural land, followed by Mauritius (621), Reunion (324), Kenya (248), Uganda (225), Basutoland (169), Zanzibar and Pemba (152), Nigeria and Gambia (151 each), Ghana (125) and Ruanda-Urundi (120). There is no reliable estimate of agricultural land for the former French West African territories of Dahomey, Guinea, Ivory Coast, Mali, Mauritania, Niger, Senegal and Upper Volta, or for the former French Equatorial Africa consisting of Central African Republic, Chad, Congo (Brazzaville) and Gabon. But none of the rest have an agricultural density exceeding 79 (Tunisia) while territories like South-West Africa and Bechuanaland have it as low as 1. In such a situation, as will be readily appreciated, the range of density per square kilometre of total land area varies widely within the administrative divisions of each State. The widest range (0-139) obtains in Libya. Cameroun (1-94), Kenya (1-49), Ghana (2-84), Tunisia (4-116) and Mauritius (47-680) represent some of the extreme ranges.

UAR (Egypt) (269-833) alone has a range similar to that of Indian States.

Such low crude densities accentuated by lack of cultivation or plantation in the great bulk of the land and characterised by wide ranges of density within administrative divisions are often associated with the dominance of principal cities which act as the nerve centre of administration, commerce, transport and industry besides being the seat of power. This obtains in many countries of Africa, notably Libya, Sudan, Tunisia, Ivory Coast, Senegal, Ghana, Angola, Kenya and Tanganyika, in each of which there was no more than one city with a population exceeding 100,000 in 1959. Understandably enough, countries with comparatively high agricultural densities and narrow ranges of variation within administrative divisions have sizable populations living in towns of 20,000 and over and even in large cities of 100,000 and over, apart from the largest city. These are Algeria, Morocco, UAR (Egypt), Mozambique and Union of South Africa. There are again States like Dahomey, Guinea, Mali, Mauritania, Niger, Upper Volta, Togo, Gambia, Mauritius, Rhodesia and Nyasaland, Uganda and Zanzibar and Pemba which have frequently no more than one town with a population between 20,000 and 100,000. Of these again there are some where the only town has a population of less than 20,000. It will appear, therefore, that the percentages of population in the smaller towns are so small that their present strength 'does not permit effective contribution to the main economic role of urbanization, viz., to provide a basis for economic diversification'.

Against this background of low urbanization, of poor rates of literacy and the lack of up-to-date censuses in many African countries it is difficult to obtain a reliable age structure of the population. The Economic Commission for Africa, however, has done whatever is possible in the circumstances and attempted an age composition of selected African countries in the years 1947-1959. It appears that Cameroun (28.6), Gambia (31.2), Ghana (33.7), Central African Republic (34.7), Congo (Leopoldville) (35.2), Mali (36.4), Bechuanaland (36.5), Basutoland (37.6), UAR (Egypt) and Libya (38.0 each) and Angola (39.1) have under 40 per cent of their populations below 15 years of age, while Algeria, Morocco, Tunisia, Guinea, Ivory Coast, Senegal, Congo (Brazzaville), Chad, Nigeria, Mauritius and Mozambique have all over 40 per cent of their populations below 15 years of age, the highest proportions obtaining in Sudan (46.6) and Ivory Coast (44.9). The proportion of the population in the working age group 15-59 varies from as low as 49.8 in Sudan, 51 in Mauritius and Ivory Coast to as high as 68 in Cameroun and 63 in Central African Republic. The proportion of population in the age group 60 and over varies from as low as 2 per cent in Congo (Brazzaville) to 9.5 in Libya. These ranges indicate that the populations in the majority of African countries are young and only a few have sizable proportions living to ages beyond 60. They also bear testimony to the high ratio of young adults of ages 15 to 39 to the population in the working age group

15-59. For most African countries this ratio exceeds 70 per cent, closely resembling a number of populous Asian countries, 'whereas the typical values for countries in Europe and North America are in the range of 50 to 60 per cent'. This favourable ratio can undoubtedly be used as the spearhead of transformation of traditional societies to modern ones.

Needless to say, these figures suggest a high birth rate in most African countries. Simultaneously with this high birth rate several countries bear witness to a rising expectation of life. Registration of births calibrated by estimates based on the age structure gives for countries like Guinea, Ivory Coast, Dakar, Gambia, Nigeria and Sudan birth rates varying between 50 and 60/62. Algeria (Muslim population), Tunisia, UAR (Egypt), Congo (Brazzaville), Chad, Gambia, Angola, Congo (Leopoldville), Malagasy, Mauritius and Ruanda-Urundi have birth rates varying between 40 and 50. Cameroun and Togo have 35 each. Thus, while Cameroun and Togo are on the borderline, all other countries bear proof of what is known as natural or uncontrolled fertility. Countries like Angola, Uganda and Ivory Coast betray a peculiar feature inasmuch as women even beyond the normal child-bearing age of 45 are reported to bear as many as 3 babies in Angola and about 7 in Uganda and Ivory Coast. Some of the recent estimates of gross reproduction rates (average number of daughters born per generation of women surviving to the end of the child-bearing age period) have been found to be above 3, the rates in Ivory Coast and Southern Rhodesia being as high as 3.7. Death rates have a wide range. In some States like Cameroun, Central African Republic and Guinea they were in the 'fifties higher than or almost as high as they were in India in the 'forties. In some others like Sudan, UAR (Egypt), Senegal, Chad, Gambia or Congo (Leopoldville) they are very similar to those of Indian States. States like Algeria, Cameroun, Lagos, Togo, Ruanda-Urundi and Mauritius, however, have already touched quite low rates. Limited investigation does not reveal any process unmistakably at work in decreasing the birth rate in urban areas in the wake of industrial activity. On the contrary, as in certain urban situations in India, the early stages of urbanization in Africa have been noticed to relax the traditional rural practices which tended to keep down fertility (prolongation of lactation, customary periods of abstinence, etc.) and thereby actually increase the level of the birth rate.

The similarity between the characteristics of the African populations and those of South and South-East Asia does not stop here. It is evident in the proportions of the economically active population among males and females and among different age groups for males. The overall ratio of the economically active population of both sexes falls within the ranges observed in underdeveloped agrarian cultures. UAR (Egypt), Mauritius, Mozambique, Libya and Sudan are seeming exceptions, but not really so, owing to the low rate of female participation, which depresses the overall rate. The high percentage of the economically active among males in the age



groups 10-14, 15-19 and 65 and over bears witness to the low level of literacy and education and lack of technological training among the younger age groups and the predominance of agriculture and rural industry which keep the older population still at work.

The Economic Commission for Africa has attempted a computation of gross domestic product by industrial origin in selected African countries for the period 1955-1959. This reveals certain distinctive patterns. For example, Ethiopia, Tanganyika, Uganda, Nigeria, Ghana and Sudan owe between 58 and 67 per cent of their gross domestic product to agriculture, up to 4 to mining, 2 to 5 to manufacturing, 3 to 11 to building and construction, less than 1 per cent to electricity, gas and water, 3 to 15 per cent to transport and communications, from 7 to as much as 29 per cent in Ghana to commerce, and 11 to 17 per cent to services. But Guinea, Cameroun, Congo (Leopoldville), Kenya, Morocco, Tunisia and UAR (Egypt) owe much less of their gross domestic product to agriculture (31 to 48 per cent). These States, except for Congo (Leopoldville), do not have much mining but generally have more of manufacturing (10 to 19 per cent, except for Guinea with 2 per cent) and derive up to 2.3 per cent from electricity, gas and water, 10 to 20 per cent from commerce and 16 to 26 per cent from services. In such a situation textiles, footwear and other consumer goods are apt to form the bulk of a country's imports as in fact they did during 1956-1959 except in Guinea and UAR (Egypt) in which countries alone of all the African States imports of machinery and equipment and transport equipment formed 54 and 59 per cent respectively of all imports. Per capita consumption of electricity was also low in most countries except in Congo (Leopoldville), the Rhodesian Federation, Morocco, Tunisia and UAR (Egypt).

The governments of the African countries have been forging ahead with education and each country that wins freedom rightly places renewed emphasis on a rapid expansion of this base. Great strides however remain to be made, for, around 1950, no more than 20-25 per cent of adults in Kenya, Northern and Southern Rhodesia, and UAR (Egypt) were literate. The proportions in most other countries except Uganda and Congo (Leopoldville) were much lower.

But the most important thing by far that has happened to Africa should not be lost sight of for a moment in the details of debits. This is the new resurgence and the introduction of planning in every country, big or small. Some started planning before independence and some after but all governments are firmly wedded to the idea and committed to implement it at various levels. Impressive also is the variety of priorities and emphasis individual countries have set for themselves, betokening diversity of goals and independence of thinking. Thus while in 1955-62 Nigeria decided to spend only one per cent of its capital on agriculture, Sudan in 1959-61 decided on 39, Kenya on 38 and UAR (Egypt) on 23. In 1959-61 Sudan decided to spend 2 per cent on industry, 2 on electricity and 36 on transport and communications; Ghana in 1959-64 decided to

spend 8 per cent on industry, 31 on electricity and 15 on transport; UAR (Egypt) made it 23, 4 and 16 respectively. Capital expenditure on education ranges from as much as 21 per cent in East Nigeria, 14 in Tanganyika, 13 in Sudan, and 12 in Ivory Coast to only 3 in UAR (Egypt). Similarly, while Ghana proposes to spend as much as 31 per cent on health and Uganda 15 per cent, UAR (Egypt) and Morocco propose to spend not more than 1 per cent during 1960-65.

We in India tend to have rather imperfect notions of the degrees of development obtaining in African countries. For better or worse African countries have had contact with a wide range of European cultures, systems of government, administrations, political schools, technologies, entrepreneurial and banking activities. Most countries in South Asia by contrast have had contacts only with the Anglo-Saxon world and a little of the French. African countries have a variety of metropolitan examples to emulate and are not necessarily tied to one kind of European experience or organisation. In this Africa is almost like the United States of America which profited from migrants from every part of Europe. The new upsurge for equality in the USA has drawn the USA and Africa closer to each other at certain levels. That way it is possible for Africa to achieve a greater catholicity of outlook more quickly than it is for, say, India and Pakistan with their ties mainly with the Anglo-Saxon world. We also tend to overlook the fact that a great many more African scholars, thinkers, administrators, and entrepreneurs have trained in the various universities, capitals and industrial centres of Europe than has been possible in South Asia. Africa has profited too by a much greater variety of European economic organisation, business and labour management, techniques of utilization of resources and even political institutions. The variety of experiments in town planning and urban architecture that have been tried out in recent years in African countries would be an absorbing and exciting experience to anyone from South Asia. It may also come as a surprise to many people that the standard of living of African students in many African universities compares favourably even with Russian standards at the Friendship University of Moscow. The development of natural resources under alien rule in geographically contiguous African countries has followed in certain cases a complementary pattern which favours in certain quarters visions of an African economic community. The fact that so many West European countries have had so many stakes and investments in African countries, which continue to this day and look forward to even greater proliferation tomorrow, will probably persuade the European Economic Community to seek closer ties with that continent.

Africa and South Asia are thus similar in many ways and yet dissimilar in many others. Africa's present demographic and even economic situation is similar to South Asia's. In some ways the current demographic situation in many African States is even worse than what obtains in South Asian countries. In some other ways the economic situation in

South Asia is ahead of what we find in African countries. Yet there are many ways in which African countries seem to be at a fair advantage which may yet make their breakthrough and take-off a much speedier process than is apparently possible in some countries of South Asia.

How the African countries will order the preconditions of this take-off will be of abiding interest and concern to all of us. For no matter what shining examples are held up before a nation, every country must, in the ultimate analysis, carry its own cross for the necessary transformation from traditional society to the application of modern technology in production.

Except for UAR (Egypt) and a few of the Mediterranean countries where population density is relatively high, African countries have a distinct advantage over Asia in being sparsely populated. The density is so low, land and forest are so virgin and the natural resources still so largely unexplored and unexploited that vast tracts of Africa still offer magnificent scope for pioneering and settlement. In this respect Africa is still nearest to North America and Australia in the seventeenth and eighteenth centuries. Much more will depend on the right kind of motivation of entire peoples than on such niceties as near-perfect balanced models of rapid economic growth. Instances are not lacking in Asia where sophisticated frames of economic growth aimed at securing the best of everything at all fronts simultaneously have ignored the fundamental determination of a people to achieve economic development and have a uniform share of it, however small. Asian countries have also proved the need of putting first things first. The price for ignoring it may not only be very heavy but the labour of retrieving the situation may well prove Sisyphean. Asian countries have also proved the need for compulsory enforcement of programmes of modernisation of traditional and tribal communities instead of succumbing to sophisticated counsels of gradualness of advanced social scientists who are at bottom really more interested in preserving their quarries than transforming them. Asian countries have also proved the need to face up to prospects of hardship, privation and even suffering of varying durations instead of trying to bypass them by adopting frills and inconsequential standards which serve but to prolong national agonies. They have also proved that the problem they have in common with Africa is not over-urbanisation but over-ruralisation, that it is only by putting a country fast enough through the mill of urbanisation that traditional society is most easily transformed and that the price need not always be paid heavily through squalor, slums and dehumanization. The great strength of many African governments seems to be their pragmatism and the very intimate knowledge their politicians and statesmen seem to possess about how the wheels run in town and village and one feels that they know that extensive economic growth is difficult in circumstances where the population feels that it does not participate in the process and will not benefit from it.

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## WORKERS' EDUCATION IN INDIA

by R. L. MEHTA

*Men, my brothers, men the workers, ever  
reaping something new:  
That which they have done but earnest of  
the things that they will do.*

Alfred Tennyson—Locksley Hall

With the advent of independence, certain promises were held out to the worker in recognition of his rights which had long been neglected. Among other things, he was told that his wages would increase, that he would be given the benefit of certain social security measures and that better working conditions would be provided for him. But a socialist society, which India aims at, is built up not solely on creature comforts or monetary incentives but on service to society and the willingness on the part of society to recognise such service. It is necessary in this context that the worker should be made to feel that, in his own way, he is helping to build a progressive State. In other words, the creation of an industrial democracy is a pre-requisite to the establishment of a socialist society.

With this object in view the labour policy in the country has, during the last six or seven years, been based on a tripod the three legs of which are the Code of Discipline, Joint Management Councils and Workers' Education. The Code of Discipline in Industry has been accepted voluntarily by all the Central organizations of employers and workers and has been in operation since June 1958. It applies both to the public and private sectors. The Code lays down specific obligations for the management and the workers with the object of promoting constructive cooperation between their representatives at all levels, avoiding stoppages as well as litigation, securing settlement of disputes and grievances by mutual negotiations, conciliation and voluntary arbitration, facilitating the free growth of trade unions and eliminating all forms of coercion and violence in industrial relations. The results so far achieved have been extremely encouraging both in terms of the reduction of man-days lost owing to stoppages and in bringing about a general improvement in the climate of industrial relations. The Code has also been successful in creating an awareness amongst employers and workers of their obligations towards each other and the desire to settle disputes mutually without recourse to the wasteful methods of trial of strength and litigation is steadily growing.

A beginning with Joint Management Councils was made at the same time as the Code was introduced. It is a form of workers' participation in management and gives them a sense of belonging and stimulates their interest in higher productivity. At present we have Joint Management Councils functioning in nearly 80 industrial undertakings, big and small, in both the private and public sectors. On-the-spot studies carried out in 30 of these have shown that as a result of successful joint consultation these undertakings have better industrial relations, a more stable labour force, better productivity, less waste, better profits and, above all, a closer understanding between the management and the workers than before.

The good results obtained from the Code of Discipline and Joint Management Councils would not have been possible had a country-wide scheme of education of workers not been initiated at the same time. In the creation of a socialist society the working class has an important role and a great responsibility. It is not enough that workers should produce more and reap a better harvest of their labours. Economic activity is not to be conceived of solely in terms of output and return; the principal test of this activity is the good of all those who are engaged in it, the quality and growth of the individual human being and the service and happiness of the entire community.

It is thus with the twin object of making the worker a better worker and a better citizen that the programme of workers' education was started. With industrialisation proceeding apace and additional labour being drawn from the rural areas involving the difficult problem of adjustment of the individual to urban conditions of work and social and economic environment one could not wait for the normal process of general education to seep to the working classes and bring about a gradual improvement in their position. It was felt that if the worker is to play a full and effective role in the democratic processes behind the generation of healthy public opinion he must develop as soon as possible a rational understanding of the circumstances in which he is placed and the pressures and policies to which he is subjected, how these pressures and policies develop, how he himself by collective action through his union can ease the pressures and contribute to the shaping of the policies and how he should conduct himself as a mature citizen for the maximum use of the working class and the community as a whole.

The Workers' Education Scheme was formulated by a team of experts, Indian as well as foreign, which toured Europe to study the programmes of workers' education obtaining there, with a view to finding out what would suit best the needs of Indian workers. The Scheme, as drawn up by the team and modified by the Indian Labour Conference, which considered it in its 1957 Session, is run by a semi-autonomous Board, called the Central Board for Workers' Education. It consists of representatives of the Central organisations of workers and employers, educational authorities and Government. The workers' representatives

constitute the largest single group. Government control over the Board is kept to the minimum necessary to enable Government to discharge its responsibility to the legislature to ensure that the funds allocated from the State exchequer are spent for the purpose for which they are voted by Parliament. The Board decides all questions of policy and syllabus, allocates funds at its disposal, sets standards for teachers, arranges for necessary equipment for the successful implementation of the Scheme and inspects and supervises all programmes conducted under its sponsorship. It also encourages trade unions and educational institutes to undertake workers' education programmes of the approved pattern and standard by making financial grants. A Research Centre has been set up under it to provide educational material to the field officers. At present the Board has under it 21 Regional Centres and 20 Sub-regional Centres spread all over the country. Each Regional Centre is under a Director with 4 to 10 Education Officers. To look after the day-to-day problems of these Centres there are local committees constituted on the same pattern as the Central Board, so that workers, employers and Government officials have joint responsibility not only for shaping the policy for workers' education but also for its successful implementation throughout the country.

The Scheme is divided into three stages. The first stage consists of the training of Teacher-Administrators, recently designated as Education Officers. These officers are employees of the Board. They are young graduates or post-graduates in Social Sciences with teaching experience and/or experience of trade union or welfare work. After selection these young men and women are put through an intensive course of training in teaching methods and the preparation and use of audio-visual aids. They are also made familiar with trade union philosophy, labour laws, the Code of Discipline in Industry, etc. Nominees of trade unions are also admitted to these training courses. The idea is that these trained persons will enable trade unions to sponsor workers' education programmes on their own, with or without financial help from the Board. The trainees meant for service under the Board, on completion of their training, are posted to different Centres and entrusted with the task of training selected workers in courses of three months' duration. These workers have had some school education. Applications for admission to the training courses are channelled through trade unions wherever they exist. The selection of the trainees is made by the Local Committees. Employers allow them leave with pay for the duration of the training. The workers so trained are known as Worker-Teachers. On completion of their training they revert to their factories or other places of employment and conduct classes of the rank and file of workers. The duration of the classes varies from one hour to an hour and a half daily for 3 months. Often employers allow workers half the time of the class with pay. The other half comes from the workers' leisure. The Worker-Teacher receives a small honorarium from the Board for this labour of love. The classes, called primary classes, are supervised and inspected by the Education Officers of the

Board. Thus the Scheme envisages a snow-balling effect. The Board trains Education Officers at some central place in India. The Education Officers train a number of Worker-Teachers at the Regional Centres. Each Worker-Teacher teaches a number of workers in primary classes, which are conducted mostly in work places and some in residential localities.

In addition regular refresher courses are organised for both Education Officers and Worker-Teachers. Short-term programmes with limited clear-cut objectives are arranged from time to time at the various centres for special groups with the aid of trade unions and educational institutions. The services of persons with specialised knowledge in particular fields are enlisted for the purpose, wherever necessary. Single-session conferences, part-time classes during and after working hours and full-time courses for one week or more, as required, are also planned. The Scheme also provides for bringing out suitable literature of a textual character on labour topics in different regional languages. So far 179 booklets have been provided: 22 in English and the rest in regional languages.

The Scheme covers all industrial workers and the programmes are so adjusted and teaching so planned that persons who are not literate can also participate in them. Formal lectures or talks are few and far between. Stress is laid on modern methods involving active participation by students in the class to the maximum extent. Full attention is paid to such techniques as group discussions, role plays, dramas, skits, group singing, exhibitions, films, pictorial diagrams, charts, simple illustrated pamphlets, seminars, debates, etc. Running through these various channels of communication is this common purpose—to make the worker self-reliant in the field so that he is a better worker and a better citizen and to train him in techniques of union organisation and management so that he can help build strong, well-organized and well-informed trade unions run on constructive and responsible lines. "According to an independent appraisal of the working of this Scheme," says the Third Five-Year Plan, "these courses have helped to raise the self-confidence of the workers, increased their ability to take advantage of protective labour laws, reduced their dependence upon outsiders and inculcated in them an urge for material and economic welfare."

The Scheme has already given workers the tools of better knowledge and stimulated them to think for themselves, thus furthering the ideals of democracy. It is obvious that the mass of workers cannot always remain a dumb object for manipulation by others. It must itself take an active part in order to stimulate and give impulses. "The creative minority is always small in number but if it is in tune with the majority and is always trying to pull the latter up and make it advance so that the gap between the two is lessened, a stable and progressive culture results. Without that creative minority a civilization must inevitably decay, but it may also decay if the bond between a creative minority and the majority is broken and there is a loss of social unity in society as a whole and ultimately that

minority itself loses its creativeness and becomes barren and sterile."<sup>1</sup> A pre-requisite for progress is that all citizens, including workers, commit themselves actively to the aims and the work of society. That is why the Scheme of workers' education in India aims at the whole man—to train him for responsible positions in the working class movement, particularly the trade union movement, and encourage him to form his own independent judgment so as to sustain democracy.

From reports received it appears that wherever they are members of Works Committees and Joint Management Councils workers who have gone through a course of education under the Scheme take an increasing interest in the undertaking and are able to participate better in discussions and take decisions on such questions as production methods and productivity, industrial and human relations, cost of living and price level and so on.

So far over 3,500 Worker-Teachers and 100,000 workers have been trained. In terms of numbers this achievement is modest since industrial workers in our country number about 4 million. But the Scheme is gathering momentum, the attack has been coherent and there is no doubt that this leaven will leaven the whole mass before long. By the end of the Third Plan in 1966 we hope to cover about 300,000 workers.

The Scheme recognizes fully the principle that workers' education is really the concern of trade unions. But in India most unions lack the financial resources and the organisational facilities required. Government has therefore given a lead in the matter. The Scheme contemplates that in time the trade union movement in the country should undertake the task of educating workers. Towards this end, the Scheme makes it one of the principal responsibilities of the Central Board to encourage the establishment of active educational departments within the Central organizations of workers, their federations and unions by giving them grants-in-aid. Many organizations of workers have already taken advantage of this facility.

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1. "*The Discovery of India*"—Jawaharlal Nehru.



## QUARTERLY CHRONICLE

THAT the political climate in Africa is good for India and that India has not lost any ground to China is the impression formed by Mrs. Indira Gandhi and Mr. Dinesh Singh, Deputy Foreign Minister, at the conclusion of their three-week goodwill tour of Africa. This

### Indian Leaders' Tour of Africa

however does not mean that African countries will automatically side with India against China just because India has helped them in the past. They will weigh their future interests and if China gives them more aid, they will incline towards China.

According to Mrs. Indira Gandhi, Chinese propaganda has made little impact on African peoples who are more interested in their own development activity than getting involved either in the Sino-Soviet ideological conflict or in the Sino-Indian border dispute.

Mrs. Gandhi found a tremendous fund of goodwill for India in African countries which felt that their inspiration to struggle for freedom came from India's own fight for independence.

An important aspect of Mrs. Gandhi's tour was the future of 420,000 people of Indian origin inhabiting East and Central Africa. These, she repeatedly stressed, were ambassadors of India and the cementing of goodwill between India and Africa largely depended on their behaviour. Living in social isolation would not help in projecting the true image of India to Africa. All the African leaders Mrs. Gandhi and Mr. Dinesh Singh met, including Mr. Jomo Kenyatta, Dr. Hastings Banda, Mr. Kenneth Kaunda and Emperor Haile Selassie, gave assurances of fair and equal treatment for Indians.

Mrs. Indira Gandhi and Mr. Dinesh Singh also explored the prospects of expansion of Indian technical and economic collaboration with African countries. Now that Kenya and Zanzibar are free and Nyasaland and Northern Rhodesia are to become independent this year, there is vast scope to step up trade with these countries. The Indian leaders stressed the need for Indian settlers and diplomatic missions to revitalize India's links with Africa. They deplored the fact that some Indian merchants in Ethiopia were dealing in goods of all countries, including China, instead of concentrating on Indian products.

Mrs. Gandhi arrived in Nairobi on Dec. 8. Next day she had a meeting with Mr. Jomo Kenyatta at which Mr. Dinesh Singh was also present. On Dec. 11 she made a formal presentation of India's "uhuru" gift, a replica of the Speaker's chair in the Lok Sabha, at a brief ceremony in the Parliament building.

Addressing a meeting of the Indian Association on Dec. 14, she advised Indians in Kenya to take up Kenya citizenship and co-operate with the people there in building up the nation. She called on them to integrate themselves with Africans and said she was happy to see that the Indian community was facing the reality. She expressed the hope that in the years to come there would be greater collaboration between India and Kenya.

On Dec. 15 Mrs. Gandhi left for Blantyre, Nyasaland. She met Premier Hastings Banda and handed over to him a letter from Prime Minister Nehru inviting him to visit India. Dr. Banda accepted the invitation.

One of the topics Mrs. Gandhi discussed with Dr. Banda was the flight of Asian capital from Nyasaland. She said this showed Asian short-sightedness.

At a dinner at Zomba, held in honour of Mrs. Gandhi, Dr. Banda praised India and said African nationalist leaders had derived great inspiration from Mahatma Gandhi, Mrs. Sarojini Naidu and Mr. Nehru. He said India had the full sympathy of Nyasaland in its dispute with China.

Mrs. Gandhi told the Nyasaland leaders of the Government of India's decision to establish diplomatic relations with Nyasaland and Northern Rhodesia when they become independent in July.

She watched the proceedings of the National Assembly. Dr. Banda introduced her to the members as "an honourable lady, daughter of the great Prime Minister of India" and said that not only the Assembly but the whole of the country was honoured by her visit.

Mrs. Gandhi also visited Lusaka and discussed with the Northern Rhodesian nationalist leader, Mr. Kenneth Kaunda, India's future trade and diplomatic relations.

After an hour-long meeting with Mrs. Gandhi on Dec. 18, Mr. Kaunda said his country would establish strong diplomatic and trade relations with India. Addressing a public meeting held in her honour, he said "we intend to follow in the footsteps of her father." Northern Rhodesia would also follow the dynamic policy of neutralism which India had given to the world. Mrs. Gandhi said Mr. Kaunda's words had shown how close his thinking was to India's.

Mr. Kaunda said at a dinner held in Mrs. Gandhi's honour that Indians who accepted the concept of majority rule would have nothing to fear in Northern Rhodesia. He hoped that Mr. Nehru would find it possible to visit Africa.

Returning to Nairobi on Dec. 24, Mrs. Gandhi called on Mr. Kenyatta and discussed with him the question of the aid Kenya might need from India.

Addressing a meeting of traders, she advised them to help lift Kenya's economy above parochialism. Instead of importing textiles mainly from India, the traders could get other articles which Kenya might need.

On Dec. 25, Mrs. Gandhi left Nairobi for Addis Ababa on a five-day visit to Ethiopia. She called on Emperor Haile Selassie. At an hour-long conference, the Emperor conveyed to her his support for the Indian view that a conference of non-aligned countries should be held to reduce international tensions. He hoped that there would be greater collaboration between the two countries in all fields.

Mr. Dinesh Singh, who attended the inauguration of the Republic of Uganda at Kampala early in October, also visited Kenya and Tanganyika and conferred with the leaders of these countries.

In his message to the President of Uganda, Sir Frederick Mutesa (Kabaka of Buganda), President Radhakrishnan conveyed India's greetings and good wishes for the progress of the republic. Mr. Nehru, in his message to Premier Milton Obote, expressed the hope that the good relations between the two countries would continue to flourish for the benefit of the two countries.

Mr. Dinesh Singh handed over to Mr. Obote a special message from Mr. Nehru. He also attended the installation ceremony of Sir Frederick. The Indian High Commissioner, Mr. A. S. Dhawan, presented to Sir Frederick a silver bowl, a gift from Dr. Radhakrishnan and Mr. Nehru. Sir Frederick, thanking the envoy, praised the role India was playing in international affairs.

On behalf of Mr. Nehru, Mr. Dinesh Singh invited Mr. Obote to visit India. The Premier accepted the invitation.

Mr. Dinesh Singh also conferred with Mr. Kaunda, who was also present at the Kampala celebrations. From Kampala Mr. Dinesh Singh left for Dar-es-Salam where he called on President Nyerere and discussed with him matters of mutual interest. He handed over a letter from Mr. Nehru to President Nyerere inviting him to visit India.

On his way home Mr. Dinesh Singh stopped at Nairobi and addressed meetings of Indians. He advised them to discuss their difficulties frankly with African leaders. His talks with East African leaders had convinced him that they were prepared to accept the people of Indian origin who decided to settle in Kenya, Uganda and Tanganyika as part of the African community. Discussions should be held between Government leaders and leaders of the Indian community to clarify doubts about the citizenship laws. Mr. Dinesh Singh assured the Indian community that they had nothing to be afraid of provided they identified themselves with the aspirations of the African people.

On his return to Delhi, Mr. Dinesh Singh conveyed to Mr. Nehru his tour impressions and the views of African leaders on Afro-Asian collaboration on matters of mutual concern. On the implementation of the U.N. resolution on South Africa, the African leaders, it was reported, had not given up hopes of a peaceful solution. They believed that South African racialists would mend their ways if public opinion in the United States, Britain and other countries was sufficiently aroused.

India's relations with the African countries emerging into freedom were reviewed at a five-day conference of Indian envoys to African and West Asian countries which began in New Delhi on Nov. 8.

### **Indian envoys in Conference**

Twenty-two envoys accredited to 38 countries attended. The conference, which one of the diplomats described as "a discovery of Africa," took account of the diverse conditions shaping the policies of these countries. This diversity, the envoys pointed out, was partly influenced by the fact of the differing political traditions of the metropolitan countries that ruled the African countries in the past. The overriding factor that the envoys stressed, however, was the significance of the Addis Ababa Conference at which the participating countries pledged themselves to the concept of an all-African unity. The concept was strong enough to lead to the establishment of an African bloc at the U.N. The envoys felt that India should not lose sight of this trend towards the assertion of African identity in world affairs. They were of the view that India's ties with African countries should be based on the realization that the self-assertion of each country's own individuality constituted the most important urge among its people.

The conference revealed the need for rendering as much help as India could in the economic development of African countries. The bulk of this assistance would be in the form of technical personnel and facilities to Africans to receive training in India. The conference decided to establish machinery to co-ordinate and facilitate the supply of technicians to Africa. As most of the countries that had asked for technicians were French-speaking, it was considered necessary to start a short course in French for the technicians. Other steps to extend Indo-African collaboration included the exchange of trade delegations and economic missions, encouragement to Indian entrepreneurs to meet African requests for assistance in setting up industries and an increase in the number of scholarships to African students coming to India. India's publicity in the continent would be streamlined and the number of Indian diplomatic missions there increased.

Prime Minister Nehru addressed the envoys both on the opening day of the conference and on its concluding day. Emphasizing the importance of resurgent Africa in world affairs, he said the dynamism of the newly-independent countries of Africa must be given due recognition in India's relations with those countries. He asked the diplomats to project to Africa the image of India as a free country which had no interest there apart from promoting the welfare of the people and building up relations on the basis of equality and friendship.

Kenya, the last British dependency in East Africa, became free on Dec. 11, ending 68 years of foreign rule. Exactly at midnight the black,

green and white national flag of Kenya was set atop the masthead to the roaring shouts of "uhuru" at a glittering ceremony watched by representatives from the world nations. A few minutes before midnight, the lights dimmed and the Union Jack was lowered in total darkness.

**Independence  
of Kenya  
and Zanzibar**

About a quarter of a million people thronged the Independence Stadium in Nairobi to watch the historic transfer of power ceremony at which the Duke of Edinburgh, representing Queen Elizabeth, handed over the instruments of independence to Premier Jomo Kenyatta. The Duke read out a message from the Queen. The message said: "On this momentous day Kenya takes her place among the sovereign nations of the world and I am happy to welcome her as a member of our great Commonwealth family. I am sure that in the counsels of the Commonwealth and beyond, your country will have a valuable contribution to make."

In reply, Mr Kenyatta referred to the need for liberation of all Africa before Kenya could really be free. It would be Kenya's duty to help free South Africa and the Portuguese territories in every possible way.

At the same ceremony, Mr Malcolm MacDonald, Kenya's last Governor, was sworn in as her first Governor-General and Mr Kenyatta's Cabinet as free Kenya's first Government.

About 80 nations attended the independence celebrations. Deliberately omitted from the list of invitees were Portugal, South Africa, Formosa and Southern Rhodesia, though African nationalist leaders from Southern Rhodesia, South Africa and Portuguese Africa were invited.

India was represented at the celebrations by Mrs Indira Gandhi and Mr Dinesh Singh, Deputy Minister of External Affairs. Dr. B. Malik, constitutional adviser to the KANU, and Mr Apa Pant, former Indian Commissioner to Kenya, were among the special invitees.

President Radhakrishnan and Prime Minister Nehru were among the large number of heads of State and heads of Government who sent greetings. Dr Radhakrishnan expressed the hope that the cordial relations between India and Kenya would continue to flourish. Mr Nehru hoped Mr Kenyatta would succeed in his efforts to make Kenya a strong multi-racial nation.

The admission of Kenya, the 34th independent state on the African continent, to the Commonwealth was announced in London on Dec. 11 by Prime Minister Sir Alec Douglas-Home. On Dec. 14 Britain and Ghana tabled a resolution in the Security Council recommending Kenya's admission to the United Nations. She was admitted to the world body on Dec. 16.

The dawn of "uhuru" was Mr Kenyatta's hour of glory. He had been associated with the freedom struggle from 1928 and had been Kenya's chief spokesman at the constitutional talks held in London from time to time, the last one being in October 1963. A regional-type constitution had emerged at the London conference early in 1962, leading to a coalition

between the Kenya African National Union and the Kenya African Democratic Union. The constitution was finalised in 1963, and in the elections held afresh, the KANU won by a big margin against a weak coalition of the KADU and the African People's Party, a KANU splinter group. By now the KANU was convinced that a regional constitution was unworkable and wanted the regional powers curtailed. At the London conference in October, 1963, a solution was found by Mr Duncan Sandys, Secretary for Commonwealth Relations. Mr Sandys supported the KANU demand for a strong centre, although he recognized the existence of regions. The solution was hailed by Mr Kenyatta as a victory for Kenya.

Mr Kenyatta has given a new slogan to the nation—Harambee ("We shall pull together"). With an area of 2,25,000 sq. miles and a population of about nine millions, including 44 African tribes, Asians and Europeans, Kenya has a long way to go before becoming a state with its people pulling together.

Zanzibar, the clove island in the Indian Ocean, became free on Dec. 10 and was admitted to the United Nations on Dec. 16. In 10 years Zanzibar had progressed from a British protectorate to a Parliamentary democracy under Sultan Seyyid Jamshe'd Bin Abdulla, the constitutional head of State. Zanzibar has a population of 315,000, including Africans, Arabs and Asians. India was represented at the independence celebrations by Mrs Indira Gandhi and Mr Dinesh Singh.

A ceasefire agreement signed on Oct. 30 brought to an end the clashes between Algerians and Moroccans on the disputed border between the two countries. The clashes had led to several hundred casualties on both sides. The agreement provided for a demilitarized zone from which both sides were to withdraw their troops. The zone would be supervised by Ethiopians and Malians who had taken a leading part in the negotiations for the agreement. A ceasefire commission, consisting of Morocco, Algeria, Ethiopia and Mali, was also appointed.

Rumblings of the coming trouble were heard on Sept. 30 when President Ben Bella of Algeria reported movement of troops on the Moroccan border apparently in an attempt to support the revolt of Berber tribesmen against the Algerian Government in the Kabylie region. On Oct. 8, Mr Ben Bella disclosed that fighting had broken out near Colomb Bechar between Algerians and uncontrolled elements and that 10 people had been killed. Both Algerians and Moroccans claimed the border zone where the flare-up had occurred. On Oct. 14, Mr Ben Bella charged Morocco with launching a massive invasion of Algerian Sahara and advancing 60 miles into Algerian territory. The Algerian Minister, Mr Mohammad Yazid, left for Marrakesh to confer with King Hassan of Morocco, but the talks were fruitless.

An Iraqi mission left Baghdad for Morocco and Algiers with an appeal to the two Governments to stop the fighting. Emperor Haile Selassie of Ethiopia also joined in the efforts to bring the fighting to an end. He arrived in Morocco on a State visit. At the same time, the Moroccan Foreign Minister, Mr Ahmed Balafrej, said his country was ready to take the dispute to international bodies if the negotiations between the two countries failed to produce a settlement.

Meanwhile the Arab League called a session of its council in Cairo to discuss the dispute. The council called for withdrawal of troops to their positions before the clashes. The United Arab Republic firmly supported Algeria and charged Morocco with aggression.

The Algerian Foreign Minister, Mr Boute Flika, arrived in Rabat on Oct. 19 to confer with Emperor Haile Selassie. The Emperor visited Algiers on Oct 21. Algeria rejected the suggestion for a three-power meeting and proposed, instead, an extraordinary session of the African Foreign Ministers' Council. The Emperor left for Tunis and on Oct. 25 Mr Ben Bella agreed to a conference with King Hassan and five other African leaders (Guinea, Tunisia, Mali, Libya and the U.A.R.). The conference was held at Bamako, capital of Mali, where the ceasefire agreement was reached. The Foreign Ministers of the African Unity Organization meeting at Addis Ababa agreed on a seven-power commission to arbitrate the dispute. The commission would consist of Ethiopia, Mali, Senegal, Ivory Coast, Sudan, Tanganyika and Nigeria.

The activities of African nations at the U.N. were directed towards mobilization of world opinion against the apartheid policies of South Africa and towards the grant of independence to South-West Africa, a mandated territory under South Africa. The tone for the movement was set by Emperor Haile Selassie who, in an address to the U.N. General Assembly, said on Oct. 4 that it was the world body's sacred duty to win equality for all men. Africa would not know peace "until the ignoble and unhappy regimes that held our brothers in Angola, Mozambique and South Africa in subhuman bondage have been toppled and destroyed."

The U.N. Special Political Committee agreed on Oct. 1 to put the apartheid policies of South Africa on the top of the agenda. South Africa did not attend the meeting and a delegation spokesman said South Africa would not participate in the debate.

The U.N. Trusteeship Committee also decided to hear a petition on South-West Africa by the Rev. Michael Scott in the face of South African objections.

On Oct. 7, the Trusteeship Committee approved a resolution calling on the British Government not to permit the transfer to the Southern Rhodesian Government of the armed forces which would revert to Salis-

bury at the break-up of the Central African Federation on Dec. 31. Britain had vetoed a similar resolution in the Security Council in September. The resolution in the Trusteeship Committee was sponsored by 24 Afro-Asian members and was passed by 85 votes to two, with 11 abstentions.

The resolution also asked Britain not to give the Southern Rhodesian Government, as at present constituted, any attributes or powers of sovereignty until a fully representative Government was set up. Britain denied that the U.N. had any right to intervene in Southern Rhodesia's internal affairs. Southern Rhodesia was not a non-self-governing territory, nor was Britain an administering power. The land and air forces which Southern Rhodesia would reacquire on Jan. 1 were the same it had committed to the Central African Federation 10 years ago.

Speaking on Oct. 8, Mr Robert Mugabe, Secretary-General of the Zimbabwe African Union, said Britain must impose a new constitution on his country and must be prepared to back it militarily. Only compulsion would work, because the white settlers did not have the requisite goodwill.

Mr Asoka Mehta (India) said on Oct. 3 that Britain should realize that its relationship binding the multi-racial Commonwealth was more precious than her so-called special and unique relationship with the white minority ruling Southern Rhodesia. "We can never agree to the white wind overpowering the black wind anywhere in Africa," he added. The only point to decide was where the retreating frontier of racism should be fixed in Africa.

On Nov. 13, the General Assembly endorsed three resolutions on South-West Africa passed earlier by the Trusteeship Committee. The resolutions reaffirmed the right of the people of South-West Africa to self-determination and independence, condemned the South African Government for its persistent refusal to co-operate with the U.N. in applying its Charter principles and resolutions and considered any attempt to annex any part of South-West Africa an act of aggression.

On Dec. 4, the Security Council appealed for a world embargo on arms shipments to South Africa. The Council had met on Nov. 27 at the request of 32 Afro-Asian countries to consider additional measures to ensure South African compliance with U.N. resolutions. Liberia and Tunisia called for further action against South Africa.

On Nov. 26, the U.N. circulated a "black list" on South Africa. It showed that 90 countries had agreed to measures to punish South Africa. The measures included severance of diplomatic relations, ban on exports and closure of ports.

Mrs V. L. Pandit, leader of the Indian delegation, said the point of "no return" had been reached against South Africa and that the time for half-measures was past. Ghana called for suspension of South Africa from the world body.

On Dec. 3 Norway proposed a worldwide embargo to cripple the South African arms industry. The proposal was accepted on Dec. 4.



Alhaji Sir Ahmadu Bello, Premier of Northern Nigeria, arrived in Delhi on Dec. 6 on a 14-day State visit to India. The object of his visit, according to the Premier, was to explore the possibilities of recruiting technical personnel in India and find out whether Indian industrialists would be willing to establish industries in Northern Nigeria. He also wanted Indian help in the establishment of a military academy in Nigeria.

The Premier was successful in his mission. A few days after the conclusion of his visit, the Indian Government announced that it would loan the services of eight Indian officers to Nigeria to help it in setting up a military academy. The Premier's delegation interviewed 60 doctors and technical personnel in India and announced later in Cairo that there was a possibility of Indian industrialists establishing a jute mill in Nigeria.

On arrival in the capital, the Premier and his party were received by Mr. Asoke Sen, Law and Communications Minister, Mr. Dinesh Singh, Deputy Minister of External Affairs, Mr. S. K. Banerjee, Chief of Protocol, Mr. Nuruddin Ahmad, Mayor of Delhi, and representatives of the Indo-Nigerian Society and the Indian Council for Africa.

The Premier spent three days in the capital during which he had talks with Prime Minister Nehru and called on President Radhakrishnan, Vice-President Zakir Hussain and others. He later left on a tour of the country.

Another distinguished visitor from Africa was Miss Margaret Kenyatta, daughter of Mr. Jomo Kenyatta, Prime Minister of Kenya.

On arrival at the airport she was garlanded by representatives of a number of organizations, including the All-India Women's Conference and the Indian Council for Africa.

The Federal Republic of Nigeria was ushered into being on Oct. 1. This marked the end of its status as a British dominion. At a ceremony in Lagos, Dr Nnamdi Azikiwe, Governor-General, **Nigeria becomes a Republic** was sworn in as President. Dr Azikiwe said Nigeria had remained in the Commonwealth because the British Association represented a bastion of democracy in a world where the tendency was to concentrate power in the hands of a few and deny fundamental rights to the masses. The new nation, he said, would fend for the common man and strive to ensure a good system of education for his children, adequate health services, wages and salaries and liberty to vote for candidates of his own choice.

Gambia achieved full internal self-government on Oct. 4. Premier David Jawara pledged in a toast at the Reform Club at Bathurst that Gambia would work for full independence.

**Coup in  
Dahomey** Col. Christophe Soglo seized power in Dahomey on Oct. 29 in a bloodless coup d'etat and deposed President Hubert Maga. The chief of the country's 800-man army, Col. Soglo acted after strikes had paralysed life in Dahomey. The strikers demanded the deposition of President Maga.

The National Assembly had been dissolved and Mr Maga had named a three-man provisional administration to appease the strikers. Besides himself, the administration consisted of Mr Sovrou Migan Apithy, vice-president and his political rival, and Mr Justin Attomadegby, a former president of the Assembly. Mr Maga said that if his removal as head of the Government would safeguard unity he would readily agree to it, for national unity was also his cherished goal.

Forty-seven-year-old Maga had been President since Dec. 11, 1960, four months after Dahomey had achieved freedom.

Strikes disturbed Posto Novo 10 days before the deposition of Mr Maga. Demonstrators before the Assembly protested against the release of a deputy jailed for murder. The Assembly authorized his rearrest. Union leaders also had grievances against the security forces and the detention of union workers.

Col. Soglo announced on assumption of power that Dahomey's relations with foreign powers would remain unaltered. He also said a referendum would be held on constitutional reforms.

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## CODIFICATION AND UNIFICATION OF LAWS IN AFRICA

*We give below a report of the Colloquium on African Law held in London in June 1963 under the chairmanship of Dr. A. N. Allott, Reader in African Law in the University of London. The object of the colloquium was to survey the existing demand for codification and unification of the laws in Africa, to explore the technical means by which such codification and unification might be brought about and to consider the problems that might arise from such an attempt. The report is reproduced from the Journal of African Law.*

—Editor

THE Colloquium on African Law assembled in London on June 4, 1963, and the discussions continued until June 14, 1963. The discussions proceeded on the basis of a background paper prepared by Dr. A.N. Allott, Reader in African Law in the University of London. Given below is Dr. Allott's paper and a summary of the discussions at the Colloquium.

### I. THE RELEVANCE OF THE PROBLEM

The effect of the colonial period on the legal and judicial systems of the colonial territories was to create a fundamental dualism or pluralism, whereby the laws administered in any particular territory consisted in part (i) of the *general law* (usually but not always based on English law in the British territories—Indian law and Roman-Dutch law were applied in East and in Southern Africa respectively), applying to persons of all races (subject to the application of special local, customary and religious laws) and more particularly applied by the territorial or general-law courts (superior and subordinate courts); and in part (ii) of *special laws*, consisting of indigenous laws maintained in operation by the colonial power (local African customary laws, Islamic law) and other special laws applied to special classes or communities (*e.g.* Hindu law). Such dualism is no longer universally acceptable in African countries, many of which are thus led to attempt partial or comprehensive integration or unification of their laws.

Apart from unification, most African countries are concerned with modernization of their laws, in order (i) to remove some of the antique survivals cluttering their legal systems (*e.g.* through the reception of the English law as it stood at a certain date in England, without any of the subsequent amendments which have been adopted in England having been introduced into the territory in question), and (ii) to produce a law

more in line with modern economic and social needs. The Africanization of the law, *i.e.* the procurement of a legal system more responsive to and representative of African traditions, institutions, attitudes and aspirations, is also felt to be a paramount requirement in some countries (notably in Ghana, Tanganyika and Nyasaland).

As one of the main methods of radical improvement in or alteration of the law, codification has been justly popular, especially in rapidly transforming countries such as France in Napoleonic times, British India and modern Turkey. Codification can be a purely technical exercise, and extend merely to the tidying up of the existing written and unwritten law (*cf.* the Sale of Goods Act, 1893, in England); or it can go hand in hand with underlying social purposes and policies: *i.e.* it can be a means for the shaping of the social environment as expressed in the legal system. In England heretofore, interest in codification has been confined to the former task; in Africa it is possible that the more far-reaching type of codification will prove the more popular, in so far as the enactment of a new code provides opportunities to make a fresh start.

The object of this Colloquium is to survey the existing demand for codification and unification of the laws in Africa, to explore the technical means by which such codification and unification may be brought about, and to consider some of the problems, not least in so far as the style of administration of the existing "English" and customary laws is concerned, which may arise from such an attempt.

## II. UNIFICATION OF LAWS

Unification of laws may take place at different levels. For each type it is necessary to ask: (i) is it necessary? (ii) if so, why is it desired? (iii) how may it be brought about? The major dichotomy is between unification within the framework of a single state or territory, and international or interterritorial unification—the latter raises problems of the relations between states.

### A. At territorial level

(1) *Internal unification of English or general law component.*—At present in many countries the general law consists partly of the common law of England as at a certain date, partly of the doctrines of equity, partly of the statutes of general application in force in England on a certain date, partly of more recently received statutes from India, England or elsewhere, and partly of local enactments. How, if at all, may these different elements be brought together into a harmonious or integrated whole (*cf.* experience in Western Nigeria, Ghana)?

(2) *Unification of local customary laws*—To what extent is this either needed or desired? (Contrast the situation in Ghana, Tanganyika, Basutoland, Uganda, Nigeria, etc.). There appear to be two stages: (i) reduction of local variations; (ii) elimination of local variations. How are

these to be achieved? If one starts with promotion of uniformity within an ethnic group<sup>1</sup>, how does one define the ethnic group? What are the major obstacles to such unification (different relationship systems; different economic systems)?

What are the most appropriate methods by which to achieve such unification, if desired; and can it be combined with the recording of customary law generally (restatements; codification; the function of the appeal courts; declarations by local or traditional authorities)? Is it better to postpone such unification until one can move on to a further stage (*e.g.*, unification of personal laws generally; general codification)?

(3) *Unification of criminal law*—That is, the consolidation of the statute and unwritten law. Are there any special reasons why this is desirable (*cf.* the restatement scheme in Kenya and the elimination of unwritten criminal law in Uganda and Nigeria)?

(4) *Unification of personal laws*.—Here an attempt is made to unify not only customary laws, but the statute and religious laws as well. A good illustration is the Marriage, Divorce and Inheritance Bill of Ghana. Nyasaland and Tanganyika appear to be pursuing similar long-term objectives but are approaching the problem gradually by way of recording and eventual unification of customary laws.

Is it possible to find a *via media* between African and English ideas in such fields as marriage and divorce, succession, property, tort and contract law? Is a compromise possible between patrilineal and matrilineal succession, or between a law based on God's command and one based on custom or the will of Parliament?

Are the political or economic arguments for unification convincing? Is it possible to build a nation-state in Africa with a multiplicity of different personal laws, varying by locality, religion or race? It is necessary to have uniform laws in order to achieve political unity? Can one successfully unify laws without unifying the way in which they will be interpreted and applied (in other words, if they are to be administered both by sophisticated professional judges and by semi-trained local court judges)?

(5) *Unification as a by-product of general codification*.—This seems an especially popular solution in the civil law countries, *e.g.*, in Mauretania, Senegal, Ivory Coast, Somali Republic, Ethiopia. In such an instance one begins *ab initio* to construct a general civil code which embraces and replaces all the existing forms and sources of law. Is this feasible in the common law countries with their very different attitudes to codification?

## B. At international level

(6) *Unification within a law-group*.—Many advocates of interterritorial harmonization of laws argue that the proper way to set about it is to begin by trying to procure greater uniformity in the laws of countries belonging

1. *E.g.* within the Kikuyu of Kenya, for which see report by E. Cotran on customary criminal offences in Kenya, Govt. Printer, Nairobi, 1963.

to the same legal family. Thus all the civil law countries in Africa could endeavour to adopt similar institutions by convention; and the common law countries might do the same by regions. This gets over the primary difficulty of any attempt at international unification on a continental or even regional basis, that one has to try to find common ground between the common and civil law systems, with their allegedly very different methods, classifications, and techniques. Perhaps some of these differences have been exaggerated; nevertheless, there is more here than a language problem.

To a large extent the various law groups have started off with similar laws: thus the former British West African territories had legal systems deriving from that of England, though at different periods and with different local statutory variations; and in East Africa the original fund of territorial law in many fields was basically the same. The existence of common appeal courts (West African Court of Appeal; Court of Appeal for Eastern Africa) and a common system of legal training, as well as the interchange of legal and judicial personnel, helped to maintain these links. There is a real risk that this harmony may now be lost as different countries go their own way; indeed even in a single federation, such as Nigeria, divergencies are appearing between the laws of different regions.

How can one maintain the existing harmony? Or create it where it does not exist? Is it important that such harmonization should exist? If so, in what fields (private international law; commercial law; labour law; transport; nationality)? Should a special institute, or other special machinery, be created to serve a particular region or group of states (*cf.* the scheme proposed for the francophonic states by Professor David)? Would a West African Law Institute serving Ghana, Nigeria, Sierra Leone and the Gambia or an East African Law Institute serving Kenya, Tanganyika, Uganda, and Zanzibar be helpful in the promotion of new legislation or the rectification of old? What status should be given to the judicial decisions of one country by the courts of another?

(7) *Regional unification.*—There are strong arguments for West African unification of laws, extending over the legal as well as the territorial frontiers, at least in matters of common concern, such as commercial law. Experience in such juridically mixed countries as Cameroun and Somali Republic would be helpful. Note the special experience of Ethiopia, which has united laws drawn from different sources (Swiss, French, English, as well as local); and the special difficulties facing the projected union of the Gambia and Senegal.

(8) *General unification.*—But perhaps the answer is to promote general unification in particular fields. Such unification might be continental, if the present initiatives for African unity persist and extend; or they might be world-wide, as by adherence to universal conventions on particular topics. Where unification extends over two or more legal families, there will be a considerable problem in ensuring that the interpretation of the laws remains in step (one has only to remember the very

different approach of English and continental European judges to the interpretation of a statute). There will have to be continuing machinery to ensure that the laws once unified remain unified. Perhaps one requires some central interpreting authority that might give advisory opinions on the interpretation of the unified laws (a "supreme judicial council for Africa")? What machinery should be established for consultation? How can one procure uniformity of status (*e.g.*, that a married person is recognized as married in every country)? How can one extend knowledge of other countries' laws and projects of legislation in Africa?

### III. CODIFICATION OF LAWS

#### 1. The machinery of law reform

What special machinery should be set up for the systematic reform of the law or branches of it? Does one need a standing Law Revision Committee, or is it better to appoint *ad hoc* commissions (*e.g.*, to reform company law in Ghana)? What should be the ideal composition of a Law Reform Commission (judges; law officers; politicians; sociologists; law teachers)? Is the existing number of legal draftsmen adequate? Do they have the right sort of training? Could other countries (*e.g.*, England, the Commonwealth, or the United States) do anything to help here by loan of draftsmen, despatch of special commissions, special training courses? Is parliamentary time available for general law reform? Should there be a special committee of Parliament charged with the oversight of such legislation?

#### 2. Techniques of legal drafting

Can the techniques of legal drafting be taught? If so, how? Are the techniques acquired in England or in service in African countries adequate for the heavy legislative programme of African countries, with its social and economic overtones? Can common law countries learn anything from continental experience in this respect? Or from the codification programme in 19th-century British India, or in 20th-century modern India?

#### 3. The definition of a code; rules of statutory interpretation

What is a "code"? Is it accurate to say, as do many continental lawyers, that English law is uncodified? Is this true of law in the common law African countries? Can one distinguish, as the books attempt to do, between a "code" and a "consolidation"; and is this distinction useful?

On what principles should a code be interpreted (the same as any other statute; in a "liberal" way)? Cf. the interpretation provisions in the Ghana Companies Code, the American Uniform Commercial Code, the East African Penal Codes, the Ghana Criminal Code; and the absence of any special rules of interpretation in Indian legislation such as the Indian

Penal Code or the Indian Contract Act.

Will not the strict use of English canons of interpretation frustrate the operation of a code which is intended to deal exhaustively and systematically with the law relating to a particular topic or field? How about equity, constructive judicial manipulation of code to suit changing circumstances, etc.?

#### 4. Prerequisites for codification

One must therefore re-examine the function of codification and the existing principles of statutory interpretation. Should we try to persuade the judges to disregard, or at least not to treat themselves as strictly bound by, previous decisions? In other words, does the doctrine of judicial precedent also require modification (*cf.* the continental approach to precedent)? Otherwise there is a danger that the code will be so overlaid with judicial decisions that one will not be able to rely on the text of the code as it stands. The code will cease to be a handy and authoritative guide, by itself, to the applicable law; and one of the possible main justifications for codification, that it makes the law simpler and more accessible (indeed, in the circumstances of Africa, more portable) may be lost. Can one influence the judges to approach statute law in a new and more constructive spirit?

Existing laws in African countries usually lack any adequate general law covering (a) principles of interpretation of statutes, and (b) choice of law in internal conflict cases. There are Interpretation Acts and Ordinances, but these are not general codes of statutory interpretation (though *cf.* the Ghana effort in this direction); and there are also choice-of-law rules scattered throughout the legislation; but rarely if at all is the effort made to provide a complete and coherent body of rules specifying the applicable law in possible situations. There would thus appear to be a case for a preliminary code or law, which would systematically and exhaustively cover these points for a particular state or territory. Such a code might be entitled THE APPLICATION OF LAWS ACT, and would specify rules for choice of law, and the principles of statutory interpretation, with special reference to the effect of codification on the previous law.

It is particularly important to state in such an Act the rules which:

- (i) declare which body of law is to apply in cases where a code or other statute has left the possibility of choice open, *i.e.*, has not also unified the law;
- (ii) indicate the relationship between any code and the constitution;
- (iii) indicate how far the pre-existing law is to take effect, if at all, with special reference to the doctrines of equity, the common law as in force in England or other parts of Africa or the Commonwealth or the United States, and imported statute law;



- (iv) indicate the extent of operation of the rules of private international law;
- (v) deal with commercial usages and practices, *i.e.*, with the extent to which private citizens can opt out of, or modify or supplement, the provisions of a code, either by reference to existing usages or by express agreement;
- (vi) state how far, if at all, decisions or commentaries on a code are to have binding authority (some provision should also be made in connection with *travaux préparatoires*).

#### IV. THE OBJECT OF CODIFICATION: THE CONTENT OF THE CODE(S)

##### 1. The object of codification

What are the pressing reasons in Africa why some or all of the law should be codified (reduction of conflict; unification; streamlining; simplification; modernization; logical arrangement; accessibility)?

At whom should the code be aimed—at the ordinary man or at the lawyer? It is probably impossible to devise a code which will be readily intelligible to the man in the street, and at the same time be sufficiently precise to satisfy the demands of judges and practitioners. It is, however, important to remember that many judges in local (African, customary) courts do not have full legal qualifications and may have difficulty in dealing with a complicated legal document. Moreover, there may be a need to translate a code for use by such courts into the appropriate vernacular; a complicated legalistic "English" style may make the task of translation more difficult (*cf.* experience with translation of Penal Code of Northern Nigeria into Hausa, of Tanganyika legislation into Swahili, and of Uganda and Buganda legislation into Luganda).

One must remember that much of the existing law of African countries is already codified (*e.g.*, Penal Codes, Criminal and Civil Procedure Codes, Evidence Code, Succession Code, Contract Code.) Is the object to fill in the gaps, improve the existing codes, or start again from the beginning?

##### 2. The content of codification

Should one aim at a single Civil Code on the continental model, may-be supplemented by a commercial and a labour code? Or does one need a series of smaller codes, each covering a limited field (*e.g.*, civil wrongs)? There are strong arguments for and against such approaches. Some of the existing codes are highly satisfactory, but are unadapted to African conditions; is it easier to weave in those aspects of the law (*e.g.*, African customary principles) formerly left out, or to begin again? (One remembers that it is extremely difficult to begin any statutory drafting afresh and without a model.) Would a restatement of English law be of assistance here?

### 3. The arrangement of topics

A good example where a completely fresh approach is probably needed is in the field of civil wrongs. The existing English law of torts is generally accepted as being chaotic in its principles and arrangement; the African law of torts has been much understudied. A codification of the law of civil wrongs, which would include not only the wrongs usually called torts, but also unjust enrichment, injuries in family relations (*e.g.*, adultery), and breaches of interpersonal relations (*e.g.*, breaches of trust, breaches of contract), systematically arranged and incorporating African institutions and principles, where desired, is badly needed.

Another field requiring systematic revision and codification is the law of property. Tanganyika, for example, has begun to make a reassessment of its land law in the light of "African socialism." The process needs to be carried much further, and a complete reappraisal of existing land laws, as well as of the categories and terms employed for describing them, seems to be called for.

The law of marriage and divorce and the law of family relations are other departments of the law which are obvious targets for remedial action.

## V. RECORDING AND CODIFICATION OF CUSTOMARY LAW

### 1. The need

Is there a need to write down customary laws? For what reasons. (academic study; application by local courts; application by superior courts; reform and revision; incorporation in general code)?

### 2. Methods

What are the most appropriate methods for achieving this (restatement; field enquiry; case records of superior and subordinate courts)?

### 3. Results

What should be done with the law once it has been recorded? Is it advisable to have a statutory code, a semi-authoritative statement, a persuasive restatement? (Experience with the Natal Code of Native Law suggests that codification of customary law in the more formal sense is probably not advisable today.) Does codification, or even restatement, harmfully restrict the flexibility or adaptability of customary law to changing conditions? If so, how can one provide for periodic revision? What is the alternative? Will customary law continue to be applied if it is not systematically ascertained and written down?

A. N. ALLOTT

## SOME SUGGESTED READING

### Codes and other legislation

Indian Penal Code.

Indian Contract Act.

Indian Evidence Act.  
 Indian Succession Act.  
 (English) Sale of Goods Act, 1893.  
 (English) Interpretation Act, 1889.  
 Penal Codes of Kenya, Uganda, Tanganyika, Northern Rhodesia and  
 Nyasaland.  
 Nigerian Criminal Code.  
 Ghana Criminal Code.  
 Ghana Marriage, Divorce and Inheritance Bill, 1963.  
 Liberian Code of Laws, 1956.  
 Ethiopian Civil Code, 1960 (in English and French).  
 (American) Uniform Commercial Code.  
 Ghana Companies Code.  
 (French) Code Civil.  
 Ghana Interpretation Act, 1960.  
 Northern Nigerian Penal Code, 1959.

### Books and Articles

ed. Allott, *The Future of law in Africa: record of the proceedings of the  
 London Conference on the future of law in Africa, December 1959-January  
 1960*, London, 1960.  
*The future of customary law in Africa*, Leiden, 1956.  
*La redaction des coutumes dans la passe et dans le present*, Brussels, 1962  
 (report of a colloquium organized by the Centre d'histoire et  
 d'ethnologie juridiques).  
 Stafford and Franklin, *Principles of native law and the Natal Code*, 1950  
 Pogucki, "A note on the codification of customary land tenure in the Gold  
 Coast" (1956), 8 J.A.A. 192.  
 Read, "Criminal law in the Africa of today and tomorrow," (1963)  
 J.A.L. 5.  
 Cotran, *Report on customary criminal offences in Kenya*, Nairobi, 1963.  
 Gower, *Final report of the commission of enquiry into the working and  
 administration of the present company law of Ghana*, Accra, 1961.  
 Limpens, "L'etude du droit compare, envisagee comme moyen de  
 rechercher les matieres susceptibles d'unification sur le plan inter-  
 national," (1958), Rev. de droit int. et de droit comp. 88, and references  
 therein.  
 KRZECZUNOWICZ, "A new legislative approach to customary law: the  
 'repeals' provision of the Ethiopian Civil Code of 1960," 1 J. Ethiopian  
 Studies 57.

### SUMMARY OF DISCUSSIONS

1. The Colloquium assembled on 4th June, 1963, and the discussions  
 continued daily on weekdays until 14th June, 1963. The Colloquium also  
 welcomed a visit from Professor A. Gledhill, Professor of Oriental Laws in

the University of London, who addressed participants on the subject of "Codification of the law in India" and answered questions which arose.

2. Discussions proceeded on the basis of a background paper which had been prepared by Dr. A. N. Allott, the Chairman, and which precedes this summary. Reference was made from time to time to certain statutory provisions enacted in various countries which were circulated to participants. The plan of the background paper is followed in this summary.

3. It was not the purpose of the Colloquium to reach any conclusions or pass resolutions; but general agreement was forthcoming to certain specific recommendations, and these are summarized in the final paragraph.<sup>1</sup>

#### 4. The relevance of the problem

It appeared that in most of the African countries there was dualism, or pluralism, of laws in operation. But the actual nature of the legal systems and the effect of the pluralism in terms of conflict of laws, was markedly different from one country to another. In many countries customary law operates in the form of a large number of differing systems of law, but even this situation does not necessarily raise acute problems. However, it was generally agreed that the law in Africa is undergoing change and the aptness of the term "Africanization" to describe this process was considered. It was recognized as having emotional overtones in particular contexts and, if used, should clearly relate not merely to the retention of traditional elements in the law but also to the adaptation of present law to meet current political, economic and social realities in Africa.

#### 5. Unification of laws

##### (a) *At territorial level*

Constitutional changes in some countries—e.g., Kenya—make an increase in diversity inevitable. But in many countries Parliamentary time for legislation to reform the law is available; what is lacking are the time and staff for drafting legislation. It was generally agreed that the key to the problem of internal unification of laws is the integration of court systems in each country, and it was recognized that this process is proceeding apace in many areas. Dualism in the legal system is no longer completely acceptable to all African countries, being rejected particularly where it leads to discrimination of an unfair sort, or to internal conflicts or uncertainties in the laws. Unification of the criminal law is most urgent; considerable doubts were expressed as to whether unification of all law comprehensively was a practical aim at present. Personal and religious laws cannot be unified immediately.

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1. Any views on matters of fact or policy expressed at or by the Colloquium must be taken to be solely the personal views of individual members and should not be in any way attributed to their respective governments.

In this connection, the question was canvassed as to how far customary laws of different ethnic groups in Africa are in fact basically similar in their general principles; the answer seemed to depend upon the answer to the question: at what level is a principle "general"? Efforts by judges of superior courts to unify customary law by extending the application of general principles are one major means of unifying such law in certain areas.

What is the place of customary law in the future legal systems of Africa? It was widely considered that its operation and extent would be increasingly circumscribed, and that the extension of statute law and general law would replace it in many fields.

In some countries specific attempts consciously to unify the law were reported:

- (i) *Ghana*.—The provisions for assimilation of customary law with common law, as enacted by the Chieftaincy Act, were considered. But in practice it seemed that the major instrument of unification was the work of the judges of superior courts evolving general principles of customary law over wide areas of the country.
- (ii) *Tanganyika*.—A government scheme for the unification and codification of customary laws throughout the country was reported. The draft code of personal laws was submitted to local councils for their consideration.
- (iii) *Northern Rhodesia*.—The work of the mixed Urban Courts in evolving a new customary law for the towns, based on an amalgam of older laws re-interpreted in the new urban conditions, was discussed.

The purposes of unification of customary laws were felt to be (i) simplification of the legal system and (ii) "nation-building". The obstacles to such unification were also considered. The unification of widely divergent systems may only be possible where a strongly centralized political structure enables the government to surmount local difficulties.

The unification of the criminal law is a high priority for many countries, especially those where the constitution forbids proceedings for unwritten criminal offences (Uganda, Kenya, Nigeria). Even where the criminal law has been unified by the adoption of a single new Code, as in Northern Nigeria, some diversity remains in the retention by the Code of offences defined in terms of personal laws (*e.g.*, adultery).

It was questioned whether unification was an essential objective: some felt that harmonization would be adequate, that is, the resolution of any conflicts and uncertainties of operation as between the different systems of law recognized within a country.

Various means of unification were considered, including:

- (i) through judicial decisions (as in Ghana, see above);
- (ii) through formal assimilation (as in Ghana);
- (iii) by a Restatement of Law;
- (iv) by adoptive by-laws (as in Western Nigeria);

(v) by codification (as in Tanganyika).

The actual method adopted will depend upon a number of factors, including the respective powers and status of local governments in the different countries. It was suggested that regional unification might be a useful step towards national unification, but some felt that the former might in fact impede the latter by entrenching regional variations in customary laws.

It was recognized that different problems are raised by the need for unification as between the general law and the special laws, which is complicated by uncertainties in the content of both types of law on the one hand, and as between different systems of customary law in a country on the other hand. But sometimes it may be possible for both purposes to be pursued simultaneously, as in the recent investigation of customary criminal law in Kenya by Mr. Cotran.

(b) *Inter-territorially*

With regard to general unification, it was recognized that this would make a particular contribution towards movements for African unity. Commercial law could most easily be unified. Unification within a law group, *e.g.*, among the West African common law countries, might be promoted by instituting a series of common law reports, as exists already in East Africa: but after discussion of the economic and technical problems involved it was suggested that the same effect could be achieved in practice by bilateral arrangements for the exchange of separately published law reports.

## 6. Codification

Various instruments have been used in different countries to codify parts of the law, including Statute Law Committees, Law Reform or Revision Committees and ad hoc Commissions (*e.g.*, the Companies Law Commission of Ghana). In the Western and Eastern Regions of Nigeria Law Revision Commissions have worked to revise the statute laws.

A major problem is that of drafting. Draftsmen work under great pressure. In Kenya a Drafting Priorities Committee has been instituted at a high level to determine priorities in the drafting of new laws. There was general agreement that a principal problem was the universally inadequate number of draftsmen in Africa, many of whom are expatriates who may not therefore spend their whole career in Africa. The facilities available for training draftsmen could be considerably expanded and improved; in this field, action by the Department of Technical Co-operation, the law schools and universities with departments embracing African studies would be of great value. This situation is so urgent that a "crash" programme of training might well be the most effective solution.

The Colloquium considered at length the definition of the term "Code", and the special characteristics which a "Code" might be expected to

possess in the common law world, when contrasted with other pieces of legislation. Should it have a special status in relation to the courts, perhaps, as a fresh start and a self-sufficient system, obviating the need for reference to be made to the pre-existing law? It was generally recognized that the term "code" had no hallowed meaning but indicated at least a fairly major, but not necessarily purported exhaustive statement, of the law on a particular topic. The effect of judicial decisions on the previous law, or on the code itself, on the interpretation of the Code was recognised to be part of the general legal system, subject to any special provisions which might be incorporated in the Code.

The new Ethiopian Civil Code was considered as an example of codification of personal laws in Africa; and the Liberian Code of Laws of 1956 was also discussed. The effect of codification upon the doctrines of equity and the application of rules of private international law was also considered. Generally it was felt that formulas could be devised to ensure the incorporation or exclusion, as desired, of these parts of law in any Code.

The problem of codification where diverse personal laws now apply was considered. Various means were discussed whereby variation from a Code might be permitted: *e.g.*, an outline law with variable content, a permissive law with provisions which could be opted out of, a choice of modes law offering multiple options. It was undesirable to impose an invariable system if it would be disregarded in practice.

Many practical difficulties arise in any attempt to codify the whole law at any one time; in fact legislation has to proceed normally on particular topics as they arise. But a considerable amount of revision and reform of statute law has proceeded in recent years—for example, in East Africa there has been the gradual replacement of the applied Indian Acts by common law or local enactments. Some participants emphasized that newly drafted laws should reflect the principle of "legal autochthony" and not merely rely on English statutes as their sources.

It was agreed that in drafting a Code it would be difficult to provide complete simplicity and certainty in all its implications for laymen and lawyers alike. The language of any Code must depend to some extent upon its subject matter and the persons for whom it was directly intended (the consumers). Thus tax law must of necessity be complicated for its subject matter is complex and professional advice is available as to its effect. But criminal law should be intelligible to the layman without advice.

The institution of an African Central Court of Appeal, the judges of which would be drawn from judges and lawyers of both common and civil law countries in Africa, was considered; such a court might deal with appeals from all parts of Africa. This would be a major step towards African unity; but the problems of the authority and jurisdiction of such a court would have to be settled.

The codification of rules of procedure and evidence, even in an ele-

mentary form, for lower courts was felt to be desirable in those countries where this had not already been effected.

Present government policies towards customary law in various countries were considered. Most African countries apparently favour recording of customary law as an immediate project although not all have specific schemes in progress to accomplish this. The codification of native law in Natal in the nineteenth century, and its imperfections, was considered on the basis of a memorandum by Mr. Rubin.

## **7. Recommendations**

(a) The principal recommendation to emerge from the discussion is that the numbers of legal draftsmen in most African countries, and provision for their training, are in need of urgent expansion.

(b) Consideration should be given to the establishment of a Central Court of Appeal, and to the re-creation of a West African Court of Appeal.

(c) Arrangements should be made for the exchange of published law reports.

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## ACTIVITIES OF THE COUNCIL

The following is an account of the activities of the Council during the quarter:

### Reception for Northern Nigerian Premier

The Council held a reception on Dec. 7 in honour of Alhaji Sir Ahmadu Bello, Premier of Northern Nigeria, who had come to India on a State visit. He was accompanied by the Trade and Industry Minister, Mr. Michael Audu Buba; the Works Minister, Alhaji Shehu Usman; the Information Minister, Alhaji Ibrahim Biu; the Minister of Local Self-government, Alhaji Sule Gaya; and Northern Nigeria's Agent in London, Baba Gana. Among the distinguished gathering that attended the reception were Mr Dinesh Singh, Deputy Minister of External Affairs and Vice-President of the Council; Mr C. R. Pattabhi Raman, Deputy Minister of Labour, Employment and Planning; Mr Asoka Mehta, Deputy Chairman of the Planning Commission and Vice-President of the Council; Mr B. P. Sinha, Chief Justice of India; Dr D. S. Kothari, Chairman of the University Grants Commission; Mr V. K. Krishna Menon and Hafiz Mohd. Ibrahim, former Ministers in the Union Cabinet; and Mr Brij Mohan, Chairman of the Standing Committee of the Delhi Municipal Corporation.

The guests included several diplomats and a large number of Members of Parliament. Prominent among the M.P.s were Mr Ganga Saran Sinha, leader of the Praja Socialist Party in the Rajya Sabha; Mr H. V. Kamath, leader of the Praja Socialist Party in the Lok Sabha; and Mr G. S. Pathak.

Mr K. C. Pant, General Secretary of the Council, received the guests of honour on their arrival at the Council premises, where the reception was held. He presented them with sets of the Council literature.

Mr S. A. Mehdi, Associate Editor of *Africa Quarterly*, accompanied the Premier and his party on a countrywide tour from Dec. 12 to 18. They visited various public sector projects, industrial estates and a number of private industrial concerns.

### Reception for African Officials

On Nov. 19, the Council entertained to tea a party of eight senior officials from the Ministers and Departments of Local Self-government of Ethiopia, Liberia, Nigeria, Nyasaland, Somalia, the Sudan and the

United Arab Republic. The officials had come to India to study the progress of community development in the country.

Mr M. J. Desai, Foreign Secretary (now Secretary-General to the External Affairs Ministry), was the guest speaker. He gave the officials a broad outline of India's foreign policy with particular reference to the India-China conflict. Economic development and maintenance of India's territorial integrity were the two planks in this policy, he said. Mr Desai recalled how the border issue was thrust upon India, which, more than anything else, wanted peace to go ahead with its programme of economic development. In a brief yet vivid account of the events leading to the Chinese invasion of India on October 20, 1962, he showed how China had betrayed India's friendship.

Did India attack China as Peking goes on alleging? Mr Desai answered the question by posing another question: "Who was surprised by the attack?" The initial advantage gained by the Chinese and the extent of their penetration into Indian territory clearly proved that it was India that was surprised. There were no Chinese prisoners-of-war in Indian hands while the Chinese took over 3,000 Indian prisoners-of-war. If India had attacked China, surely it would have captured at least a few prisoners and got some initial advantage. Finally, who had gained from this venture? It was China which took over about 3,000 miles more of Indian territory as a result of this attack and was resisting attempts at a peaceful settlement by its attitude to the proposals made by the six non-aligned Afro-Asian countries after their meeting in Colombo.

Summing up, Mr Desai said the real battle was being fought in the field of economic development. India was determined that the border pressure should not hinder development, which was now safely anchored.

Mr Desai's address was followed by an interesting exchange of views on topics of mutual interest to India and Africa. Mr K. C. Pant, General Secretary of the Council, presided.

### **Foreign Students' Problems**

The Office Secretary represented the Council at a conference of foreign students' advisers in Indian universities held in New Delhi on Nov. 19. The problems of African students dominated the conference, which was convened by the Indian Council for Cultural Relations.

Addressing the conference, Mr Dinesh Singh, Deputy Minister of External Affairs, said the social inhibitions faced by African students were being exploited by various interested agencies to create anti-Indian feelings among them.

In his opening remarks, Mr C. D. Deshmukh, Vice-Chancellor of Delhi University, said that while it was not necessary for them to change their way of university life to suit the needs of foreign students, efforts should be made to break down the barriers between Indian and foreign students.

### Dinner for Envoys

The Council's Chairman, Mr Balvantray Mehta, and the General Secretary, Mr K. C. Pant, met the heads of Indian missions in West Asia and Africa who had come to Delhi for a conference, at a dinner party given by Mr Dinesh Singh, Deputy Minister of External Affairs and Vice-President of the Council, on Nov. 11. Twenty-two envoys attended the dinner.

### Bibliography of Indian Literature

To acquaint African students in India with the latest trends in Indian literature, the Students Welfare Unit of the Council published a selected bibliography of modern Indian novels, short stories and poems. The bibliography also lists Indian classics and novels about India written by western authors.

### Textile Supplement

The Executive Committee of the Council, at a meeting on Nov. 18, decided to bring out a special supplement on textiles. The supplement, which will be the first of a series to be issued with *Africa Quarterly*, will record the latest developments in the textile industry in India and Africa. The data collected will be analysed to determine the nature and volume of the existing trade between India and Africa and explore the possibilities of increasing it.

The following attended the Executive meeting: Mr Balvantray Mehta, Mr Dinesh Singh, Mr Ravindra Varma, Mr K. C. Pant, Mr Harish Mahindra, Mr C. R. Pattabhi Raman, Mr S. Mulgaokar, Mr S. A. Mehdi, Mr Nath Pai and Mrs Rajan Nehru.

### Meeting with J. R. Bourguiba

Mr J. R. Bourguiba, son of Mr Habib Bourguiba, Tunisian President, was presented with a set of the Council literature by the Office Secretary, who met him at a lunch given in his honour on Nov. 19. Mr Bourguiba was on a two-day private visit to Delhi.

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## SELECTED BIBLIOGRAPHY ON AFRICA

Compiled by M. A. Naqvi

*This feature is presented every quarter with the object of providing a list of recent publications on Africa. It is hoped that this will be helpful to those who are specially interested in the study of African affairs.*

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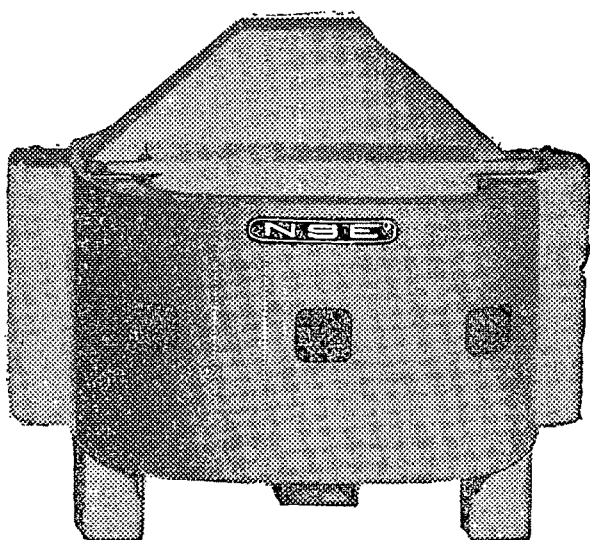
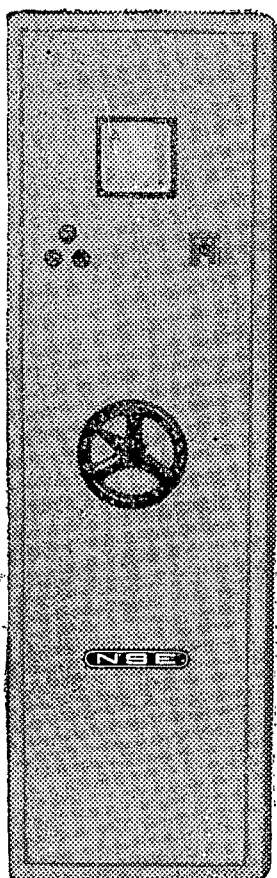
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## Note To Contributors

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*The views expressed in the articles under the authors' names are not necessarily those held by the Council.*

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## **CONTRIBUTORS TO THIS ISSUE**

Mr. Vijaya P. Gupta is Research Fellow in the Department of African Studies in the University of Delhi.

Dr. M.V. Namjoshi is Reader in Economics in the Gokhale Institute of Politics and Economics at Poona. He lectures in Poona University and is connected with research on various political and economic topics.

Mr. Sanjeeva Nayak is a Ph. D. student in African Studies in the American University, Washington.

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## KENYA'S STRUGGLE FOR FREEDOM

By Vijaya P. Gupta

About a quarter of a million people cramming Independence Arena in Nairobi on December 11, 1963, saw Kenya becoming independent, ending 68 years of colonial rule by the United Kingdom. It was a glittering ceremony watched by representatives of many nations of the world. Exactly at midnight the national flag of Kenya was set atop the mast-head amidst the roaring shouts of *uhuru* (freedom).

Although the struggle for independence had been going on since Kenya became a colony of Britain, it was in 1920 that the country saw the first organized African revolt. Earlier expressions of discontent had been in the form of protests made by Africans on an individual basis and on the village level against the ill-treatment meted out to them by Europeans. The Africans developed anti-European feelings because European settlers, who regarded themselves as superior human beings, extracted heavy fines from them, confiscated their cattle and even beat them to death for petty offences. The settlers turned the courts and Government machinery into instruments of suppression of the African.<sup>1</sup>

Before the first African organization came into being, the people used to voice their grievances before the traditional *baraza* (tribal congregation), which was also attended by European administrators. The numerous complaints and petitions made to the *barazas* are recorded in the Political Record Books of Kiambu, Kikuyu and Dago-reti Districts for the years 1903-1918.<sup>2</sup> The complaints were mainly about land alienation, forced labour and mal-treatment.

While Africans in rural areas (Reserves) continued to use the traditional *baraza* to lodge their protests, the urban African learned from the Asians and Europeans the modern methods of conducting a political struggle. During the early twenties, they keenly followed the Indians' struggle for equal rights with Europeans.<sup>3</sup> Some Afri-

1. Letter No. 417/29/12 from Assistant District Commissioner to Provincial Commissioner; Appended to the Kikuyu District Annual Report for the year 1911-1912.

2. The author had access only to the Political Record Books of these three Districts in the Kenya Secretariat Library and for the years 1902-1918. Also see "Memorandum—The Kikuyu Point of View" Degoretti Political Record Book 1902-12 Vol. I, P. 120; East African Standard April 1, 1903.

3. Native Affairs Department Annual Report 1923. Govt. Printers Nairobi, P. 9, para 53.

can workers even joined the Asians in their strikes for increased wages, etc.<sup>4</sup> From European settlers the Africans learned the techniques of organising both non-secret and oath-bound-secret types of associations.<sup>5</sup>

However, by the end of World War I the sufferings of Africans had increased greatly and their grievances multiplied. (a) Land hunger assumed high proportions following the promulgation of the Crown Lands Ordinance, 1915, which reserved the best lands (16,000 square miles of high-lands) for the Europeans and reduced the Africans, on their own land, to the status of tenants at the will of the Crown; (b) Africans were forced to register themselves with the Government and carry cards (*kipande*) bearing their fingerprints; (c) they were also forced to take up employment in Government projects or on European farms; (d) their wages were reduced by one-third in spite of a big rise in the price index due to the war; (e) huts and poll taxes were doubled from Rs 5 to Rs 10. Above all, the ex-soldier settlement scheme, under which European ex-soldiers were provided with agricultural land while leaving African ex-soldiers to starve for it, added fire to the fury.<sup>6</sup> Here was the genesis of a revolution. It led to the formation of anti-European and anti-Government movements aimed at achieving for the Africans political rights, an equal status and removal of disabilities. A sequel to this awakening was the formation in 1920 of the Kikuyu Association, the first African political organization of Kenya.<sup>7</sup>

The Young Kikuyu Association, as the Kikuyu Association was renamed at a Nairobi meeting, stood up against the practice of registration passes (*kipande*), forced labour, reduction in wages, high hut tax, imposition of Headmen and demanded more information about and "knowledge of legislation affecting them".<sup>8</sup> In the main, the movement was directed against (a) the settlers who had 'stolen' African land and were forcing Africans to work on European farms; (b) the Missions which supported the settlers' plans; and (c) the Government, which had imposed the humiliating taxes and the *kipande* for the benefit of the Europeans.<sup>9</sup>

The Young Kikuyu Association (Y. K. A.) soon grew in strength.

4. East African Standard, February 1, 1913, August, 2, 4, 13, 17 and 24 and September 7 and 21, 1918.

5. Leaky, L.S.B., *Kenya, Contrasts and Problems*, London, 1956, P. 110.

6. The angered Africans said :

"When we went to do war work we were told by His Excellency the Governor that we should be rewarded . . . is our reward to have our tax raised and to have registration papers given to us and for our ownership of land to be called into question; to be told today that we are to receive title deeds and tomorrow for it to appear that we are not to receive them?"

Quoted by W.M. Ross, *Kenya From Within*, London, Allen & Unwin, 1927, P. 226.

7. Native Affairs Department Report 1920-21, Government Printers, Nairobi, p. 38,

8. W.M. Ross, *op. cit.* pp. 92-9.

9. Welbourn, F.B., *East African Rebels*, S.C.M. Press, London, 1961, p. 129.

With donations received from hundreds of Africans, it printed political leaflets and its leaders toured the African reserves addressing large meetings, some of which were attended by as many as 5,000 people.<sup>10</sup> Harry Thuku, who had been elected Secretary of the Association, toured the whole country. His speeches, which aroused political consciousness among the Africans, were condemned by the Chief Native Commissioner who said they were intended to arouse "enmity between the black and the white and to get the people to consider that they are in a state of slavery which has been imposed by Europeans".<sup>11</sup>

The support which the Y. K. A. leader Thuku found among the Luos encouraged him to form an all-tribes organization—the East African Association.<sup>12</sup> But the attempt failed and the Y. K. A. itself was banned by the Chief Native Commissioner on March 15, 1920, and the Government arrested and deported Thuku on the charge of being "dangerous to peace and good order".<sup>13</sup> The fire kindled was not to be smothered so easily and soon two new African organizations emerged on the scene. In Nyanza Province sprang up the Kavirando Welfare Association<sup>14</sup> and in and around Nairobi was formed the Kikuyu Central Association (K. C. A.).<sup>15</sup> The latter was better organized and had abler leadership than the Y. K. A. Though tribal in name, it was an all-tribes association. In fact, in 1928, it publicly opened its ranks to other tribes. The K. C. A.'s political demands were that the Government should allow Africans to grow coffee, it should publish the Colony's laws in Kikuyu and release Thuku.<sup>16</sup> From a very modest start, the K. C. A. grew in strength and intensity. It published its own newspaper 'Mwigtaara'. Under the dynamic leadership of Jomo Kenyatta the movement spread to all corners of Kenya and even won the praise of Government officials.<sup>17</sup> When in 1928 the Hilton Young Commission visited Kenya to find out the possibilities of a closer union between East and Central African territories under British colonial rule and to examine the working of the dual policy, the K. C. A. presented a long memorandum<sup>18</sup> to the Commission condemning the British

10. W. M. Ross, op. cit. p. 227.

11. Cd. 1091, 1922, H.M.S.O. pp.3-4.

12. The Chief Native Commissioner refused permission for the formation of an all-tribes association. Native Affairs Department Report for 1923, p. 3.

13. Cmd. 1030, 1960, H.M.S.O., p. 39.

14. Cd. 1091, 1921 H.M.S.O., p. 6.

15. Native Affairs Department Report 1923, pp. 3-6.

16. Native Affairs Department Report, 1926, p. 2.

17. The Native Chief Commissioner praising the K.C.A. wrote: "It is energetic, virile and enterprising and amongst its activities publishes a monthly, Mwigtaara, the contents of which have been for the most part quite unexceptional and deserving much commendation",  
Ibid, p. 2.

18. Kikuyu Central Association, Memorandum to Hilton Young Commission, Nairobi, 1928, p. 2.

Government's policy of making the white settlers trustees of Africans. It said: "The Association has been greatly alarmed to hear that the Hilton Young Commission is coming out here to consider that the non-official Europeans are to be associated in a large degree with the Government in their trusteeship of the Natives. In the opinion of the Association this is disastrous, as in the past, whenever the unofficial European had his way, he has shown a decided tendency in the direction of usurping the Native's land, of reducing him to a position of wage earner, and restricting him in movement and opportunities. The Association is strongly opposed to giving a great share to non-officials in the direction or supervision of native affairs."

In the same memorandum, the K. C. A. strongly opposed the settlers' demand for an unofficial European majority and asked for direct representation for Africans, enabling them to express their views in the Legislative Council.

The memorandum further demanded that "the number of native representatives on the Council should be at least 12. In the opinion of the Association this number should be distributed amongst the various native tribes".

The Government viewed the memorandum as an act of audacity on the part of the K. C. A. Addressing the Legislative Council in October 1929, the Governor expressed his concern about the activities of the K. C. A. and warned its "agitators against any attempt to undermine constitutional authority".<sup>19</sup> This encouraged leaders of the Convention of Association, the European settlers' political organization to accuse the K. C. A. of carrying on seditious activities and demand an investigation into "the problem of African unrest".<sup>20</sup> The official reaction to the Convention's demand was immediate. A month later the Governor, carrying out the orders of the Labour Government in Britain, declared at a *baraza* of the Kikuyu elders:

"To prevent the formation of association for such improper purposes and the spreading of troubles in the colony, I have strengthened the Native Authority Ordinance, and I have approved of orders being issued under it to prevent the collection of money by natives without a permit. Such permits will not be granted unless the District Commissioner, the Chief and the elders are satisfied that the money is required for the good of the members of the tribe and satisfied also that true accounts are kept of receipts and expenditure". The Governor further said: "All your young men must be made to understand that Government will not tolerate

19. Quoted by Ingham, Kenneth, *A History of East Africa*, 1962, p. 282.

20. *East African Standard*, Nairobi, January 30, 1930.

lawlessness of any kind and that you, chiefs and elders, have full support of the Government in punishing it, whenever it occurs".<sup>21</sup>

These measures forced Kenyan political leaders to adopt secret methods and turned many of them into extremist nationalists. The K. C. A. leaders continued to spread their gospel. They established close contacts with the Wakambas, the Kavirandos, the Taita, etc.<sup>22</sup> They launched campaigns to eradicate illiteracy, established the Independent Educational Society under whose auspices were set up schools and teachers' training centres. During the late thirties the K. C. A. also started taking active interest in trade union activities. By 1939 the K. C. A. had become a national organization having as members people from all walks of life and from all tribes. The paid membership of 286 in 1938 rose to 10,000 in 1939.<sup>23</sup>

The phenomenal growth of the K. C. A. as an African political movement worried the European settlers and the Government. The European settlers demanded that it should be banned and the Government once again complied with their demand. In May 1940, the K. C. A. was banned, its leaders were arrested and its monthly journal was closed.<sup>24</sup>

This resulted in the African political movement going underground. The underground work was carried on by a five-man executive committee. To maintain secrecy, Africans wishing to join the K. C. A. took an oath on the Bible, promising to campaign for the return of their land, to fight for freedom and to assist the Association with funds.<sup>25</sup>

For four years, no overt political activity of Africans was in evidence. In 1944 the Kenya African Study Union (K. A. S. U.) was organized by Eliud Mathu, the first African to be nominated to the Legislative Council of Kenya. The K. A. S. U.'s main aim was to unite the African people and promote their social, economic and political interests. Two years later, at its second annual conference in 1946, the K. A. S. U. changed its name to the Kenya African Union. And Kenyatta, who during this time had been studying and also working for African freedom in England, returned to Kenya to take up the leadership of the Kenya African Union (K. A. U.). Kenyatta who, during his stay in England, had gained invaluable experience in conducting a national struggle, organizing political activities and training political leaders, launched a vigorous campaign for the education of Africans. He and Peter Koinange succeeded

21. East African Standard, February, 27, 1930.

22. Cmnd. 1030, H. M. S. O. 1960, pp. 46-47.

23. Ibid p. 46.

24. Ibid p. 48.

25. Ibid p. 48.



in collecting large funds with which they opened many schools, including one for the training of teachers. Kenyatta also drew the attention of K. A. U. members to the importance of social reform work conducted by local government bodies. With a view to putting pressure on the Government to make it listen to African demands, he launched a non-cooperation movement in Government projects. Simultaneously he organized a boycott of European goods.<sup>26</sup>

The K. A. U. demanded democratic rights for Africans and African representation on local and Legislative Councils. By 1946 the K. A. U. covered about 28 districts of Kenya. It mobilized the Africans and organized many trade unions. Its main aim was "to try to unite all the African tribes of Kenya and to make them feel that they all have a very great responsibility towards the upliftment of their country".<sup>27</sup> In the main it sought to promote the social, political and economic interests of Africans and fight for the education of Africans, higher wages, adequate housing and freedom of the press.<sup>28</sup> To achieve inter-racial cooperation the K. A. U. leaders sought the support of Indians<sup>29</sup> and other friends of the Africans. They said that the K. A. U. "wants every one to be treated fairly and none to suffer because of colour, race, or creed".<sup>30</sup>

The K. A. U. demanded universal franchise, freedom of speech, equal political and economic rights with the Europeans, end of discrimination in the economic and social life of the country, and adoption of the principles of the 1923 Devonshire Declaration.<sup>31</sup>

The K. A. U. leaders did not ask for the immediate transfer of power. "What they aimed at was the end of 'settlers reich', and of a Government which worked for the interests of the European minority ignoring African majority".<sup>32</sup>

On the question of political and economic demands there was near-unanimity among the K. A. U. leaders but they differed on the methods that should be adopted to achieve the demands. Those who were orthodox Christians believed in moderate constitutional means, while the non-orthodox, sceptical about the success of a constitutional struggle, advocated a violent struggle, if need be. The latter—the extremist nationalists—believed that "If words could not penetrate the stiff white-shirt-front of Government complacency, then

26. Native Affairs Department Annual Report 1946-47, pp. 3-4.

27. Editorial, *Habari* (Swahili Paper) Nairobi, October 10, 1946.

28. Rowcliffe, D. R. 'The Struggle for Kenya,' 1954, pp. 42-43; K. A. U. Memorandum to Under-Secretary of State for the Colonies, April 6, 1948, signed by Kenyatta, Type Script.

29. Rowcliffe, D. R. *op. cit.* p. 42.

30. K. A. U. Memorandum, *op. cit.* April 6, 1948.

31. *Ibid.*

32. Mitchell, P. Sir, *African After-thoughts* (1954).

a few outbreaks of violence might do it".<sup>33</sup> In this attitude they were supported by a number of trade unions, socio-religious secret oath-bound societies, ex-squatters, a majority of low-paid workers, domestic servants, employees in European firms and on European farms and unemployed youth.

The extremists rapidly increased in strength and were joined by various "terrorist" organizations, such as the "40 Group" and the Land Freedom Army. Jomo Kenyatta was not happy with these groups since he was opposed to violent methods but because of his inability to achieve any political advance through normal, constitutional means he probably became inclined to the view that a minor breakdown in law and order might help in arousing the British Government to realise the urgency of a drastic change. Consequently, he did not check the increase in the ranks of the extremists in the K. A. U. The extremists at no stage challenged Kenyatta's leadership and he remained the undisputed leader of the masses. Kenyatta utilized the influence of the moderates and the extremists to strengthen the nationalist movement. It was during this period that Africans joined the K. A. U. in thousands and took the oath to do everything for Kenya's freedom.

Reports about the oath-taking ceremonies frightened the European settlers and the Government. The latter succumbed to the settlers' demand for severe action to stop the ceremonies and ban the K. A. U. and other African organizations. Stiff restrictions were placed on African political activities making it almost impossible for the Africans to hold public meetings.<sup>34</sup> They were left with no alternative but to go underground once again and arrange secret meetings under the auspices of a number of oath-bound societies.

On October 21, 1952, the Government made a final attack on the African political movement by declaring a state of emergency.<sup>35</sup>

33. Delf, George, 'Jomo Kenyatta', p. 182.

34. Native Affairs Department, Nairobi, City Council Report for 1952.

35. According to the Colonial Office the Emergency was declared to establish law and order which was being disrupted by the Mau Mau Movement. But only three months before declaring Emergency the Attorney General of Kenya had denied its existence. Speaking on July 10, 1952, in the Legislative Council of Kenya, he said :

"Certain classes of serious offences, murders, assaults and sexual offences show no appreciable change in the period (the first half of 1952). In 1951 there were 28 murders in the first half of the year and in 1952 there had been 30. The number of serious wounding had actually fallen, 214 against 225. The increase was in crimes against property which had increased 24 per cent over the corresponding period in the previous year, but in Uganda they had increased to 28%."

The Attorney General attributed this increase to the rise in poverty, pointing out that each and every night no less than 10,000 Africans had nowhere of their own in which to sleep." (East African Standard 12 July 1952)

This means that up to three months before the proclamation of the Emergency there was rather less violence than usual, but cases of theft of property were considerably more. This would suggest that if there was trouble brewing it was more to fill empty bellies than to harm people for the sheer fun of it. Between the date of the Attorney General's speech and a month after the proclamation of the Emergency,

In the name of law and order, severe restrictions were imposed on the Kikuyus, who provided the bulk of top leadership. On the same day, the Government arrested Jomo Kenyatta and his leading lieutenants and charged them with being the leaders of the Mau Mau. Those charged with him were Bildad Kaggia, Achieng Onyko, Fred Kubai, Poul Angie and Kungu Karumba.<sup>36</sup>

After arresting the leaders, the Government mounted an operation called 'Jock Scot' under which all top district and provincial leaders of the K. A. U., the Kikuyu Karinga and Independent Schools, the African Orthodox Church and African trade unions were arrested one after another.<sup>37</sup> Tens of thousands of Africans were detained and imprisoned.<sup>38</sup> The wives and children of urban detainees were sent to the reserves where they had often no means of subsistence.<sup>39</sup> The method of removal of Africans from urban centres was very brutal.<sup>40</sup> In the reserves the conditions were worse; Africans fled to the hills at the sight of white troops or at the sound of a circling warplane. Such flights were taken as proof of guilt and the fugitives were viewed as Mau Mau bands. Action was taken against them without any further inquiry. Many times when

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the total number of murders for that part of the year rose to 55, which would seem to be more than the figure to be expected and in no way abnormal.

But the settlers' press was busy creating an atmosphere of disorder "caused by the Africans". Peter Evans writes: "During all this time the hysterical tone of the settler press was growing ever shriller and in England a national paper came out with the banner headline, 'Night of the Cong Knives in Kenya' implying the imminence of a St. Bartholomews' eve massacre of all Europeans, though the only source quoted for this prediction was 'settlers' circular'". Peter Evans—*Law and Disorder*, p. 28.

Thus the Kenya Government, harassed by the Local European settlers, pushed through Emergency legislation dealing with such things as restrictions on all clubs and societies, powers to close down newspapers and presses, increased penalties for criminal trespass on property, wider police powers to arrest without warrant, etc.

The measure to control the press was described by the Attorney General as "in no way a substitute for the law of sedition, but the law of sedition is difficult to apply and the measure will deal with the matter of near sedition".—a novel legal conception which he clarified by saying that all those present in the Legislative Council knew that news could be presented with racial emphasis. Circumstances were to show that all (more than 55) African news-sheets and newspapers were incurably racial in their news presentation and thus nearly seditious for they were all closed down in the course of the next few weeks. No European paper ever overstepped the border-line of sedition as defined by the Attorney General. *East African Standard* October 2, 1952.

36. *East African Standard* October 22, 1952.

37. Sautiwa MW Africa, October 19, 1962, p. 2.

38. In 1954 Mackinnon Road and Manyani Screening Camps had about 34,000 detainees; Laugata Camps had 10,000; Kahawa and Mana Island Camps had 7,000 each; Athi River Camp had 1,720 men and women. Some of the other camps detaining thousands of Africans were Thomson Falls, Lake Baringa, Lake Victoria, Gilgil, Molo, Nyeri, Kapenguria and Makutana. *Manchester Guardian*, June 26, 1954.

39. *The Times* (London) September, 2, 1954.

40. The Nairobi City Council Report for 1953, dealing with one such case, says: "On the night of November 27, 1952, the police raided the Burma Market and took all persons found there in for interrogation and put fire to the market and within a short time all the stalls were completely burned out." City Council of Nairobi, Annual Report of the Department of African Affairs for 1952.

Africans found themselves about to be rounded up or were ordered to halt by Askaries (African soldiers) or armed Europeans, they took to their heels through mere ignorance or fear. Thus many innocent people were accused of being accomplices in crime. Many Africans who had been chased out of their homes or had fled away had no alternative but to turn to banditry. It was in such conditions that Africans resorted to violence and acts of reprisal.<sup>41</sup> The Land Freedom Army increased in strength and the resistance to the Government grew. The rebellion began to spread over ever widening areas. The first act of African violence had been conducted by small groups of men armed merely with pangas, but as months went by automatic weapons were stolen from Europeans and Asians and obtained from *Loyal Africans* "who had joined Home Guard in the hope of keeping their neighbourhood quiet but had now no confidence in the Administration which seemed bent on pursuing a completely anti-African policy".<sup>42</sup>

However, the leaders of the Land Freedom Army in 1954 made abortive efforts to reach a settlement with the Colonial Office about the future of Kenya.<sup>43</sup> Their efforts failed owing to the settlers' opposition to any "surrender talks".<sup>44</sup>

Meanwhile, after the banning of the K. A. U., leadership of the African political movement was taken over by the African M. L. C.s and the trade unions. The African Members of the Kenya Legislative Council on November 16, 1953, issued a 15-point statement demanding that (1) the emergency must be ended quickly; (2) Africans should be elected to representative bodies and "African membership of these bodies must be of such a strength that it will effectively influence public affairs for the benefit of the whole country"; (3) the African must be assured adequate security of land. "The present allocation of land is insufficient for his economic needs and the African must press for more land. The Govern-

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41. Africans serving with the government forces or advocating a policy of co-operation inevitably came to be regarded as disloyal to their community. It was widely known that the European officers used to shoot whenever "a suspect failed to stop when challenged". Africans who had been fired upon once or who had been chased out of their habitations and had lost their dear ones determined to attack those who had fired upon them. The patriotic passion of the nationalist movement in many areas passed into warlike channels and efforts began to be made with growing success to obtain arms either by stealing them or by manufacturing them. Villagers took oaths to help one another in times of hardship and when rounded up for detention resolutely sang patriotic hymns in praise of their leaders.

42. Pankrist, R. Kenya : History of Two Nations, pp. 100-101.

43. Kenya Legislative Council Debates, May 27, 1964, Col. 521-558.

44. Group Captain Briggs moved a resolution in the Legislative Council saying "that this Council deplores the initiation of talks with Mau Mau criminals and is of the opinion that no further negotiations of a similar character should be entered into and that the campaign against Mau Mau rebels should be continued relentlessly until they are utterly defeated". Ibid, Col. 521, May 27, 1954. The Government arrested Mr. P.G. Pinto, an Indian who was trying for surrender talks.

ment must settle some Africans from the most congested Reserves".<sup>45</sup>

These efforts were equally unavailing until the anti-colonial forces in Africa, Britain and the world raised their voice and exerted pressure on the British Government to re-examine its Kenya policy. As a sequel to these pressures a Parliamentary Delegation visited Kenya in January 1954. The same month the delegation made a historic recommendation that "the Africans should be encouraged to develop their own political organization thus filling the vacuum created by the banning of the K. A. U."<sup>46</sup> In conformity with the recommendation the Kenyan Government (a) appointed in 1955 Sir Coutts as Commissioner to examine the African Franchise problem,<sup>47</sup> (b) permitted in June 1955 the Africans to form political organizations but only at the district level. The Government Order prohibited more than one party being formed in any one district.<sup>48</sup> This freedom was extended to all districts except those in the Central Province, which was inhabited by the Kikuyu, the Embu and the Meru.<sup>49</sup> The Africans were quick to comment that restrictions of this sort would lead only to an intensification of tribal feelings. The Kenya Federation of Labour (K. F. L.) and its General Secretary, Mr Tom Mboya, condemned the Government decision and demanded that the freedom to form political organization be extended to all provinces. He also demanded extension of the franchise to Africans on the basis of "one man one vote" and provision of adequate representation in the Legislative Council and government institutions.<sup>50</sup> The settlers, who were all out to crush the African political movement, objected to Mr Mboya's statement and asked the Government to ban the K. F. L. "lest it become a political force".<sup>51</sup>

Meanwhile, early in 1956, Mr C. M. G. Argwings Kodhek, an African lawyer, organized the first district organization, the Nairobi District African Congress (N.D. A. C.). The organization attracted a large number of Africans but failed to forge a united front of political factions and thus a split developed. The K. F. L. leader, Mr Mboya, stood against Mr. Kodhek in the first African General Elec-

45. East African Standard, November 16, 1953.

46. Parliamentary Delegation's Report Cmd. 9081, H.M.S.O. 1954, para 49-72.

47. Report of the Commission appointed to enquire into methods for the selection of African representation to the Legislative Council.

48. Press Hand-out, No. 677, June 21, 1955, Department of Information, Kenya, Nairobi.

49. Ibid. Where all that was permitted was a nominated Advisory Council of "Loyalists".

50. In 1955 the Kenya Federation of Registered Union was renamed the Kenya Federation of Labour (K.F.L.) The K.F.L. was provided with financial and consular help by the I.C.F.T.U. and the American Federation of Labour. Mboya, Tom, *Freedom and After*, pp. 35-36, *Africa Digest*, Vol. III, No. 6.

51. The Registrar General of Societies of Kenya asked the K.F.L. to show cause why its registration should not be withdrawn and why it should not be outlawed. The K.F.L. gave an assurance that it would restrict itself to labour activities only (*East African Standard*, February 25, 1956, and April 5, 1956).

tion held in March 1957 under the Lyttelton Constitution which established a multi-racial government in Kenya. Mr Mboya, after his victory over Mr Kodhek, formed a new organization called the Nairobi Peoples' Convention Party (N. P. C. P.)<sup>52</sup> in opposition to the N. D. A. C. The N. P. C. P. soon became a training centre for the younger African leadership.

The election results were a rebuff to the Government as they reflected the thinking and attitude of Africans towards the multi-racial constitution. Six of the sitting members who had supported the constitution were defeated and those who were elected were "the most outspoken nationalists".<sup>53</sup>

Immediately after the elections the eight elected African members launched what Mr Mboya called "Operation Freedom".<sup>54</sup> They denounced the Lyttelton Constitution as imposed during the emergency and refused to accept ministerial office under it. They demanded fifteen more seats in the Legislative Council and asked for an end to the emergency. In the Legislative Council, they moved resolutions asking for the removal of restrictions on the formation of political parties. In these moves they were actively supported by the Asians members. But in spite of the Asian support every such motion of theirs was defeated by the Government with the help of Europeans. Only one European, Mr S. V. Cooke from the Coast, supported the Africans.<sup>55</sup>

The European opposition to the African demands put forward by the African elected members provided to Mr. Lennox Boyd, the then Colonial Secretary, the handle with which to reject the African members' demand for a Round-Table Conference. In rejecting the African demands, he laid down the condition that a constitution for Kenya must be subject to agreement, that it must ascertain continued participation of all races and that it must be designed to protect the interests of the minorities. However, on November 8, 1957, Mr. Lennox Boyd announced his new constitution increasing the number of African seats in the Legislative Council by six and providing an extra ministership for Africans.<sup>56</sup> The constitution was unacceptable to the African leaders who rejected it and announced their disassociation from it. They refused to take up any ministerial

52. G. Bennett and C.G. Rosberg. *The Kenyatta Election* (1961) pp. 33-34; The Argwings proposed in December 1955 to form the Kenya African National Congress, which would endeavour to cut across tribal affiliations. The Government replied by refusing registration on the ground that this would lead to the creation of a colony-wide political party which would not be permitted during the emergency. Thus Mr. Kodhek changed its name to the Nairobi District African Congress, *Kenya Weekly News*, August 5, 1955; *East African Standard*, October 20, 1956.

53. Wood, Susan, *Kenya and Tensions*, Oxford University Press, 1962, 2nd ed. p. 38.

54. Mboya, T.J. *Freedom and After*, p. 79.

55. *Keessing's Contemporary Archives*, June 29-July 6, 1957, p. 15632. Mboya, T.J., *Kenya Faces the Future*, p. 19.

56. *East African Standard*, November 9, 1957.

posts.<sup>57</sup> But the African and the Asian leaders continued their efforts for a Round-Table Constitutional Conference. This time the Asians were more active than before. The Kenya Indian Congress gave an ultimatum to the Government that if the Round-Table Conference did not take place before December 31, 1958, they would call upon the Indian members of the Legislative Council to withdraw from it.<sup>58</sup>

Armed with Indian support, the African members moved a motion in the Legislative Council on June 24, 1958, asking the British Government to convene a Round-Table Conference to discuss the issue of constitutional changes *de novo*. Once again the motion was defeated by the Government with the help of the European members of the Council.<sup>59</sup> Frustrated in their efforts, the African members decided to boycott the February-June 1959 session of the Legislative Council as a protest against the Government's policy.<sup>60</sup> The Indian M. L. Cs. followed suit.<sup>61</sup>

In April 1959, the African Elected Members Organization, under the chairmanship of Mr. Oginga Odinga, sent a delegation to London to hold talks with the Colonial Secretary. While the delegation was on its way, Mr. Lennox Boyd, the Colonial Secretary, announced, in a statement in the House of Commons, that a constitutional conference would be held in early 1960. Behind the announcement were the manipulations of Mr. (now Sir) Michael Blundell, the 'multi-racialist European leader'. Mr. Blundell had successfully persuaded the Government to permit the formation of multi-racial political organizations on a Kenya-wide basis and had wooed some of the African leaders to form such bodies. The result was that in December 1959, out of the fourteen sitting African members of the Legislative Council eight went over to form the Kenya National Party along with some Indians and Europeans.<sup>62</sup>

Disagreeing with the African multi-racialists on the question of constitutional advance and insisting that the Africans had the right to organise themselves on a national basis, Mr Odinga and Mr Mboya, with two other African M. L. Cs, formed a new party—the Kenya Independence Movement (K. I. M.) with Mr. Odinga as President and Mr Mboya as General Secretary.

The K. I. M. had the dynamism of a radical party. It demanded

57. East African Standard, November 14, 1957.

58. Hindustan Times (Delhi) January 20, 1959.

59. 29 members, including Africans, Asians, Arabs and one European, Mr. Cooke, voted for the Motion, Legislative Council Debates LXXVI June 24, 1958.

60. Hindustan Times, January 30, 1959, Pakistan Times (Lahore), February 22, 1959.

61. Hindustan Times, March 7, 1959. Ibid, April 24, 1959.

62. Hindustan Times, August 24, 1959. Prominent among the 8 African members who formed the K.N.P. were Mushinde Muliro, R.G. Ngala, Arap Moi, Arap Towett, The Times (London). December 18, 1959.

the release of Jomo Kenyatta and other Mau Mau prisoners and insisted on Kenyatta's participation in the 1960 constitutional talks.<sup>63</sup> Before the constitutional talks the two K. I. M. leaders, Mboya and Odinga, were successful in bringing all the fourteen African M. L. Cs. together to participate as one group in the constitutional conference.<sup>64</sup> Thus a united African delegation led by Mr. R. G. Ngala attended in January 1960 the Round-Table Conference at Lancaster House in London.

The talks started with racial prejudices<sup>65</sup> and ended in a victory for the multi-racialist Europeans in preserving restricted rolls and racial seats in the Legislative Council and in the Council of Ministers. The African and other nationalists could not get many of their demands accepted because the Colonial Secretary refused to discuss the issue of independence and also because a majority of Asians and Europeans opposed the immediate grant of independence and democratization of the administration and the Government.<sup>66</sup>

On the return of the African delegation to Kenya, the African unity achieved at the time of the conference began to disintegrate and there ensued a shifting pattern of alliance which eventually crystallized into two national African parties.<sup>67</sup>

In March 1960, leaders of the Kenya Independence Movement formed the Kenya African National Union (K. A. N. U.) with Kenyatta as president. The Governor of Kenya, however, refused either to release Kenyatta or to register the K. A. N. U. as a legal organization under Kenyatta's presidentship. Finally, the K. A. N. U. was registered under the presidentship of Mr James Gichuru, a former president of the K. A. U., who proclaimed his personal allegiance to Kenyatta and took a pledge to resign the position as soon as Kenyatta was released.<sup>68</sup>

The founders of the K. A. N. U. intended to provide in the K. A. N. U. an organization to channel the united African political movement but they failed in their aim in spite of the fact that they gave two high posts to Mr. R. G. Ngala and Mr. Arap Moi, who later formed the Kenya African Democratic Union to oppose

63. Ibid; the K.I.M.'s application for registration was not accepted until the January 1960 constitutional conference, *Indian Express*, Delhi, January 1, 1960.

64. Ibid;  
Kenya Calling, Weekly News Digest,  
Kenya Information Department,  
January 23, 1960, January 30, 1960.

65. The 14 African elected members explained that their non-attendance stemmed from the fact that the Colonial Secretary had ruled that Peter Kainange could not be allowed to take part as one of their advisers.

66. Kenya Calling January 23, 1960, February 13, 1960, April 12, 1960. *Daily Telegraph* (London) February 22, 1960.

67. Bennet George and R. Carl, *Kenyatta Election 1961*, p. 39.

68. *East African Standard*, March 28, 1960; Segal Ronald, *African Profiles*, Penguin, 1962, p. 105.



the K. A. N. U. The programmes and aims of both the parties were not originally very different. In their election manifestos both pledged themselves to fight for an independent Kenya and the release of Kenyatta and urged rapid Africanization and industrialisation. However, the real difference between the K. A. N. U. and the K. A. D. U. was ideological. The K. A. N. U. was strong in urban centres as also in crowded reserves of the Luos, the Wakamba, the Kikuyu and associated tribes, while the K. A. D. U. represented an alliance of agrarian and pastoral tribes drawn together mainly by the fear of being swamped by the numerically stronger tribes supporting the K. A. N. U. In 1961, the K. A. N. U. and the K. A. D. U. fought the elections in which the K. A. N. U. emerged as the strongest party, winning 18 seats in the Legislative Council. The K. A. D. U. got only eleven.<sup>69</sup> The K. A. N. U. was asked by the Governor to form the Government, but it refused to do so. It demanded the release of Kenyatta to which the Governor disagreed on the ground that Kenyatta's life might be endangered if he was released at that time. However, the Government relaxed the restrictions imposed on Kenyatta by permitting him to receive visitors and by removing him to Maralal (near Nairobi) from Lodwar. With the K. A. N. U. rejecting the offer, the Governor persuaded the K. A. D. U. leader, Mr Ngala, to form the Government with the help of ten nominated members and the multi-racialist Europeans. Kenyatta unsuccessfully tried to unite the two parties. By October 1961, however, the gulf separating the two parties seemed unbridgeable, the K. A. D. U. demanding a federal constitution for Kenya based on tribal regions and the K. A. N. U. insisting on a strongly centralized Government.<sup>70</sup>

Kenyatta, who was released in August 1961, tried his best to dissuade the K. A. D. U. leaders from demanding autonomous regional states. But the K. A. D. U. continued to insist on the division of the country and in this it was helped by the Europeans, the Government and even the Colonial Secretary.<sup>71</sup>

The K. A. D. U. was really playing for time in delaying the convening of a new constitutional conference in order to popularise the idea of regionalism among the smaller tribes of Kenya.<sup>72</sup> However, the pressure for talks was so great that ultimately the British Govern-

69: Later through elections for specially-elected members the K.A.N.U. got *one* and the K.A.D.U. four. The Times (London) May 15, 1961.

70: Kenya Calling, June 17, 1961.

The Reporter Vol. 7, No. 12, September 30, 1961, p. 10.  
East African Standard, October 3, 1961.

71: Kenya Calling August 19, 1961, August 26, 1961, East African Standard, October 20, 1961. The Times (London) October 6, 1961. East Africa and Rhodesia January 18, 1962, p. 490. See the summary of the Governor's Broadcast, Kenya Calling, November 25, 1961.

72: Kenya Legislative Council Debates,  
Vol. LXXXVII, October 19, 1961, Col. 190-209.

ment agreed to hold the conference in February 1962.<sup>73</sup>

By the time the conference assembled in London, the K. A. D. U.'s plans for regionalism had received the patronage of the European settlers.<sup>74</sup> The K. A. D. U., supported by the multi-racialist Michael Blundell as well as the extremist Europeans, fought for regionalism. Mr. Ngala said: "There will be no peaceful settlement without the acceptance of a constitution with entrenched rights of the K. A. D. U. supporters in a federal constitution".<sup>75</sup>

Mr. Kenyatta said: "We want independence this year. We want no more delays". Kenyatta, to accommodate some of the K. A. D. U.'s views, went as far as accepting the establishment of a second chamber in the Central Legislature and the setting up of governing authorities in the existent provinces.<sup>76</sup> But the K. A. D. U. rejected the K. A. N. U.'s revised proposals and insisted on regional states.

The conference ended in April 1962 after preparing the outline of a constitution under which the K. A. N. U. had to agree to the establishment of a bicameral legislature at the Centre and Regional Assemblies in the Regions to be demarcated by a Special Commissioner and to the maximum possible decentralization of powers to the Regional Assemblies.<sup>77</sup>

Both the parties returned home without any date for independence being fixed. However, they agreed to form a coalition government until the new elections were held.<sup>78</sup>

During the period of the coalition government, the boundaries of the Regions and constituencies were demarcated. The elections, held on a common roll adult franchise (for the first time in Kenya) in May 1963, resulted in an overwhelming victory for the K. A. N. U. and the formation of the Government by it. In June 1963 Kenyatta became the first Prime Minister and in October he led the K. A. N. U. delegation to the independence talks in London and finally succeeded in his endeavours for fixation of a date for independence. The date fixed was December 12, 1963.

Today the Government of independent Kenya has dedicated itself to the "establishment of a democratic African Socialist State . . . to pursue a policy of non-alignment and positive neutrality and to support all attempts at solving international disputes by peaceful means".<sup>79</sup>

73. Kenya Calling, December 2, 1963.

74. Kenya Weekly News, February 9, 1962.

75. Africa Diary, Delhi, April 21-27, 1962, pp. 507-508.

76. Ibid, p. 508.

77. Ibid, pp. 506-512.

78. Ibid, p. 512.

79. Quoted from the speech of Mr. Odinga, Home Minister of Kenya, in the United Nations.

## SOUTH-WEST AFRICA IN UNITED NATIONS

by SANJEEVA NAYAK

*The United Nations should mirror more accurately, not less accurately, the reality of what is.*

—John Foster Dulles  
*War or Peace*

A FREQUENT cause of war has been the effort of satisfied peoples to identify peace as a perpetuation of status quo.

“Change is the law of life, of international life as well as national and personal life. If we set up barriers to all change we make it certain that there will be violent and explosive change.”<sup>1</sup> Even though John Foster Dulles wrote these lines in 1950, South African rulers have failed to comprehend them. South Africa’s wilful defiance of the Assembly resolutions, its rejection of the ruling by the International Court of Justice and its refusal to submit any report about the Mandate exasperated the delegates in the United Nations. Then appeared on the scene a humanitarian in the person of the Reverend Michael Scott. As a missionary he had lived in South Africa. He had met the African leaders of South-West Africa and was authorized to represent them at the United Nations. “The very fact that the Herero people went to the trouble of selling their cattle to finance Michael Scott’s journey to United Nations for three years is an indication of their hopes.”<sup>2</sup>

Scott insisted that the United Nations has a “unique, formal, legitimate claim of authority in South-West Africa...”<sup>3</sup> But the stark reality of South African refusal forced the United Nations to reconcile the provisions of the Mandate with those of the Trusteeship. To study closely the issues involved, the General Assembly appointed a Committee in 1953. The Committee for South-West Africa was required to find ways and means to solve the problem and also to conduct hearings “until such an agreement is reached between the United Nations and the Union of South Africa.” Each year the Committee submitted reports which bear out its zeal and hard work despite the trying circumstances. Non-cooperation by South

1. John Foster Dulles, *War or Peace* (New York : Macmillan Company, 1957, 2nd Ed.), p. 18.
2. B. B. Brooks, *South-West Africa, 1945-50, Union Province or United Nations Trusteeship Territory*, An unpublished dissertation submitted to University of Chicago in Candidacy for the degree of M. A. in History, 1955, p. 103.
3. Peter Ritner, *The Death of Africa* (New York : Macmillan Coy. 1960), p. 81.

Africa prevented the Committee from testing the veracity of the information that came into its possession.

The advisory opinions of the International Court encouraged the United Nations and its emboldened delegates were again desirous of referring the matter to the Court. "As soon as the resolution referring to the possibility of a recourse to the International Court of Justice for its judgment was tabled by twelve states, an unusual course was adopted by the Chairman of the Fourth Committee for the 1957 session, Mr. Thomat Khoman of Thailand. He himself introduced a resolution from the Chair proposing that a Good Offices Committee be set up with the United Kingdom and the United States as members and a third member to be nominated by the President of the General Assembly."<sup>4</sup> With the strong support of the countries named, the resolution was adopted by 50 votes to 9 with 13 abstentions. Sir Leslie Munro, President of the General Assembly, then nominated Brazil as the third member.

The Good Offices Committee proceeded to cut the Gordian Knot. During the discussions, South Africa disclosed her willingness to sign an agreement with the three remaining Allied and Associated Powers.<sup>5</sup> The Good Offices Committee could not entertain this proposal. It however felt that some agreed form of partition involving the annexation of a part of the Territory to the Union might provide a basis for an agreement.<sup>6</sup> This political kite failed to fly. The Union accepted the idea of partition provided the police zone constituting three-quarters of the territory would be annexed by it and the rest would be placed under the Trusteeship of the Mandatory.<sup>7</sup> The plan was still-born. The recommendations of the Committee were rightly rejected by the General Assembly.<sup>8</sup> The United Nations now had a better idea of South African motives, which were laid bare before world opinion.

Annoyed and exasperated by its failure, the United Nations at its fifteenth session passed a resolution which invited the Committee on South-West Africa, "in addition to its normal tasks, to go to South-West Africa immediately to investigate the situation prevailing in the Territory" and to ascertain and make proposals to the General Assembly on:

- " (a) The conditions for restoring a climate of peace and security;
- " (b) The steps which would enable the indigenous inhabitants of South-West Africa to achieve a wide

4. Michael Scott, *A Time to Speak* (New York: Doubleday and Company, 1958), p. 265.

5. They are the United Kingdom, France and the United States.

6. *United Nations Year Book*, 1958, p. 312.

7. U. N. Document A/C. 4/SR. 1225, 30 November, 1961, p. 7.

8. General Assembly Resolution 1243 (XIII), 30 October, 1958.

measure of internal self-government designed to lead them to complete independence as soon as possible;  
 .....<sup>9</sup>

The Committee earnestly set out on its task. The Government of South Africa not only denied cooperation to the committee but also strove to place impediments in its way. The utter contempt with which the Union treated the Committee's resolutions once again killed all hopes of success.<sup>10</sup> The South African Government even threatened to "detain" the members of the Committee if they entered South-West Africa. The Union insisted that entry into the Territory without her permission was tantamount to a trespass on her sovereignty. The argument was ill-conceived because it had lost sight of the fact that the Mandate is an international territory.<sup>11</sup>

Taking into consideration these developments, the United Nations passed a resolution appealing to those members of the United Nations "which have particularly close and continuous relations with the Government of South Africa to bring, as a matter of urgency, all their influence to bear on that Government with a view to ensuring that it shall adjust its conduct to its obligations under the Charter of the United Nations and shall give effect to the resolutions adopted by the General Assembly."<sup>12</sup> These resolutions were further supplemented by Resolution 1596 (XV). It requested the Committee to proceed immediately "to discharge the special and urgent tasks entrusted to it in Resolution 1568 (XV) as fully and expeditiously as possible with the cooperation of the Government of the Union of South Africa if such cooperation is available, and without it if necessary..." and requested the members of the United Nations to extend to the Committee "such assistance as it may require in the discharge of these tasks".<sup>13</sup>

The resolutions were passed because the Mandatory had refused to implement an earlier resolution. Commenting on the South African attitude, Mr. Fabregat asked pointedly: "If the situation in the Territory was clear, and if the peoples there were living in accordance with recognized principles, why refuse the Committee the possibility of going there to see for itself?" South Africa had no answer. In other words, South Africa threatened to use force against the General Assembly or its representatives.<sup>14</sup>

In this unfortunate venture, South Africa secured the support of

9. The General Assembly Resolution 1568 (XV), 18 December, 1960, U. N. Document No. 16 (A/4684).

10. U. N. Document A/C. 4/SR. 1232, 4 December, 1961, p. 7.

11. U. N. Document A/C. 4/SR. 1245, 14 December, 1961, p. 8.

12. The General Assembly Resolution 1593, (XV), 16 March, 1961, U. N. Document Supplement No. 16A (A/4684/Add. 1).

13. The General Assembly Resolution 1596 (XV), 7 April, 1961.

14. U. N. Document A/C. 4/SR. 1217, 22 November, 1961, p. 5.

the United Kingdom. Aware of the antagonistic attitude of the Union, the Committee decided to go to Bechuanaland where a large number of Hereroes live. People of South-West Africa could cross into the Protectorate and submit petitions to the Committee. The South African Government was perturbed at this prospect. It had increased border patrols to prevent a mass exodus to Bechuanaland.<sup>15</sup> The Chairman of the Committee, Mr. Fabregat, "had discussed the matter with the United Kingdom High Commissioner, who had stated that he was not laying down a condition but setting forth the understanding on which the Committee would be permitted to visit Bechuanaland."<sup>16</sup> The understanding reached was that the Committee was "to proceed to Muan and Ghazi to gather information especially from Herero residents (of) Bechuanaland originally from South-West Africa, in view of the close ties maintained between Hereroes of both territories and also from any South-West Africans who may contact the Committee in these areas."<sup>17</sup> The Committee had further clearly indicated that if it were not possible for practical reasons to transport a full party to Muan, a larger group would remain at the eastern centre of Bechuanaland and "would await permission to enter South-West Africa or the return of the smaller group from the Muan and Ghazi areas."<sup>18</sup>

The Committee proceeded to Ghana to interview South-West Africans in that country. While in Accra, it reiterated the contents of Resolution 1596 (XV). The United Kingdom took exception to this and demanded of the Committee a categorical assurance that it did not intend to enter South-West Africa without the permission of the South African Government. In view of its mandate,<sup>19</sup> the Committee could not give such an assurance. The demand, which was made after the intention of the Committee had been clearly stated, Mr Carpio later asserted, "was an insult to the dignity of representatives of sovereign governments."<sup>20</sup> The United Kingdom formally "suspended" the visas granted to the members of the Committee to visit Bechuanaland.

The United Kingdom defended its action. It asserted that any attempt to enter South-West Africa without the permission of South Africa would be an "illegal" act.<sup>21</sup> By implication, it maintained that South-West Africa was not an international territory. It is difficult to reconcile this attitude with the United Kingdom's later

15. U. N. Document A/C. 4/SR. 1219, 23 November, 1961, p. 4.

16. U. N. Document A/C. 4/SR. 1217, 22 November, 1961, p. 5.

17. General Assembly Official Records : Sixteenth Session, *Report of the Committee on South-West Africa*, Supplement No. 12A (A/4926) p. 29.

18. *Ibid.*

19. Vide Resolution 1596 (XV), 7 April, 1961.

20. U. N. Document A/C. 4/SR. 1224, 29 November, 1961, p. 17.

21. *Ibid.*, p. 9.

statement: "The United Nations has not only the right but still more the duty to concern itself with the question of South-West Africa, . . . ." <sup>22</sup>

The second argument offered by the United Kingdom is more important and has far-reaching consequences. It maintained that it was not bound by Resolution 1596 (XV) as it had abstained from voting on one of its paragraphs. This would mean that a member-state could disregard a resolution if it had not voted for it. <sup>23</sup> This cannot be sustained because the United Nations resolutions have the validity of international law. The sanctions behind them are moral sanctions and that is the essence of international law. <sup>24</sup>

This latter view is also upheld by Judge Lauterpacht. He discussed at some length the nature and effect of the General Assembly resolutions. After restating the principle that they are not legally binding upon members of the United Nations (except in certain organizational matters such as elections), he went on to say:

"Whatever may be the content of the recommendation and whatever may be the nature and circumstances of the majority by which it has been reached, it is nevertheless a legal act of the principal organ of the United Nations which members of the United Nations are under duty to treat with a degree of respect appropriate to a resolution of the General Assembly.

"It would be wholly inconsistent with the sound principles of interpretation as well as with highest international interest, which can never be legally irrelevant, to reduce the value of the Resolutions of the General Assembly—one of the principal instrumentalities of the formation of the collective will and judgement of the community of nations represented by the United Nations—and to treat them, for the purpose of this opinion and otherwise, as nominal, insignificant and having no claim to influence the conduct of the members. International interest demands that no judicial support, however indirect, be given to any such conception of the resolutions of the General Assembly as being of no consequence". <sup>25</sup>

The action of the British Government has brought no credit to it and is indeed a blot on its escutcheon.

Knowing the temper of world opinion, as manifested in the United Nations, South Africa took enough care to extend her line of resistance through dilatory devices. Even while taking an extreme

22. U. N. Document A/C. 4/SR. 1226, 30 November, 1961, p. 14.

23. Soviet Union too could claim a similar immunity for any operations like Congo and refuse to pay up its contribution.

24. U. N. Document A/C. 4/SR. 1231, 4 December, 1961, p. 9.

25. *American Journal of International Law*, Vol 50, No. 4, October 1956, p. 865.

position, she has been careful to make small concessions. This has greatly helped her sympathisers to point them out as evidence of South Africa's reasonableness or at least as part of the gains made by the United Nations. For instance, in 1960, the Union Government, while failing to submit an annual report to the United Nations or to transmit petitions from the inhabitants of the territory or to cooperate with the Committee in the discharge of its functions, had officially transmitted to the Secretary-General Government documents which related to the territory.<sup>26</sup> This, South Africa claimed, was done voluntarily.

In 1961, South Africa invited a Commission of three past Presidents of the General Assembly to visit South-West Africa and report to the South African Government. The offer failed to commend itself to the General Assembly, which had by then realized the real motives behind such moves. But South Africa to some extent succeeded in dividing the members.

There was a genuine division of opinion on this offer. Sweden felt that though there was good reason to be wary about the Union, motives apart, the General Assembly should look into "the possibilities of deriving some advantage from it..."<sup>27</sup> Sweden also insisted that South Africa should not be given a chance to claim that the United Nations was unreasonable and that she had always been right in refusing her cooperation.<sup>28</sup> Some opined that the South African offer was a step forward<sup>29</sup>. The United States proposed that such a Commission be appointed by the President of the General Assembly<sup>30</sup>. New Zealand pointed out that the United Nations could not simply reject or ignore the offer "without furnishing aid or comfort to the very people whose attitude it had hoped to change"<sup>31</sup>. Some even mentioned that finally "if the prestige of the United Nations was the sole consideration, the Committee should reject the South African offer, but if it is considered that the interests of the people of South-West Africa were paramount, it should look into the South African suggestion"<sup>32</sup>. This support was more than what South Africa had hoped for.

To crown all this, Sweden moved a resolution on the basis of the Republic's offer.<sup>33</sup> This was opposed by the Afro-Asian members, who moved a thirty-seven-power draft resolution. They opposed the Swedish draft on the ground that it was a step backward and

26. *United Nations Year Book, 1960*, p. 488.

27. U. N. Document A/C. 4/SR. 1244, 14 December, 1961, p. 4.

28. U. N. Document A/C. 4/SR. 1237, 8 December, 1961, p. 6.

29. U. N. Document A/C. 4/SR. 1234, 6 December 1961, p. 13.

30. U. N. Document A/C. 4/SR. 1233, 5 December, 1961, p. 19.

31. U. N. Document A/C. 4/SR. 1226, 30 November, 1961, p. 22.

32. U. N. Document A/C. 4/SR. 1228, 1 December, 1961, p. 4.

33. U. N. Document A/C. 4/SR. 1247, 15 December, 1961, p. 2.



it would "entail complicity in an act of racial prejudice"<sup>34</sup>. The supporters of the Swedish draft argued that the statements of the petitioners were poor substitutes for the information gathered on the spot.<sup>35</sup> To some it appeared as the first arch<sup>36</sup> and an easier one to construct. There were a few others, still hoping for South African cooperation, who wanted to await her reaction. Mr. Fabregat said that he would decide after studying the Mandatory's reaction.<sup>37</sup>

South Africa, even in these circumstances, failed to indicate her choice. This annoyed many a delegate. Mr. O'Sullivan (Ireland) acknowledged that the thirty-seven powers had acted logically. He emphasized that "care would be needed to ensure that the 'criminal' whom it was sought to expel from the house where he was keeping innocent people locked up did not set fire to the house before he left it".<sup>38</sup> The methods devised for procrastination failed to pay the expected dividends. The Swedish resolution was defeated by the delegates who smelled the rat.

Undaunted and undismayed by her failure, South Africa continued to work on her plans to extend the discussions in the United Nations. Fortunately for her, she succeeded very well, almost at a time when she thought she had lost the game.

On December 19, 1961, the General Assembly solemnly proclaimed the inalienable rights of the people of South-West Africa and passed Resolution 1702 (XVI). The Special Committee on South-West Africa, to be appointed by the President of the General Assembly, was entrusted with the task of visiting the Territory before May 1, 1962. The President appointed seven members and during the first meeting they elected Dr. Victorio de Carpio as their Chairman.

Dr. Carpio immediately contacted Mr. Fourie, the representative of South Africa at the United Nations, and requested him to cooperate with the Committee. Mr. Fourie replied in the affirmative though with certain reservations. Taking into consideration "the sense" of the conversation<sup>39</sup> between Mr. Carpio and Mr. Fourie, the South African Government welcomed the spirit of cooperation which animated the Committee's approach.<sup>40</sup> The Union invited the Chairman and the Vice-Chairman of the Committee to visit South-West Africa only for "the purpose of conducting discus-

34. U. N. Document A/C. 4/SR. 1240, 11 December, 1961, p. 17.

35. U. N. Document A/C. 4/SR. 1237, 8 December, 1961, p. 6.

36. U. N. Document A/C. 4/SR. 1240, 11 December, 1961, p. 14.

37. U. N. Document A/C. 4/SR. 1246, 16 December, 1961, p. 3.

38. *Ibid.*, p. 8.

39. General Assembly Official Records : Seventeenth Session, *Report of the Special Committee for South West Africa*, (A/5212, 14 September, 1962), p. 4.

40. *Ibid.*, p. 8.

sions aimed at finding a way out of the present impasse."<sup>41</sup> A substantive reservation made by South Africa was that it was taking this step "without prejudice to its previously stated position."

For the first time, the Chairman and the Vice-Chairman were allowed to visit South-West Africa as representatives of the United Nations.<sup>42</sup> An itinerary was chalked out for them. Interpreters were appointed and were almost treated as guests of the South African Government. They too behaved like guests. The moment they entered South Africa they were exposed to subtle pressures.

On its arrival in South Africa, the Carpio Committee, at a meeting with Dr Verwoerd, discussed the details of its programme. Then it proceeded to the Territory where it met some South-West Africans and recorded their statements. During its visit to the Mandate, no pressman was allowed to accompany the Committee. This gave rise to much confusion. For instance, Dr. Carpio was quoted by a Johannesburg paper (May 25) as having said at a private luncheon at which no reporter was allowed,<sup>43</sup> that he wished success for *apartheid*. The denial which followed failed to clear the clouds of suspicion. This manifests "something of the force and unscrupulousness of the regime and the pressure and trickery that it can resort to in its determination to set at naught all that the United Nations stands for in Africa."<sup>44</sup>

Unfortunately, the Carpio Committee appeared to have fallen into a well-laid trap. After a hurried visit to the Territory and hearing the petitioners, the Committee arrived in Pretoria. What happened during the last lap of the journey shocked the world. After discussions Dr. Martinez de Alva, the Vice-Chairman, in the absence of the ailing Chairman, issued a joint communique with Dr. Verwoerd stating that the Committee had found "no evidence of allegations that there was a threat to international peace and security in the mandated territory."<sup>45</sup> This single statement chilled the lingering hopes of millions of Africans.

Then the story slowly unfolded itself to an appalled world. There is a mystery behind the alleged communique. Dr. Carpio vehemently denied that he had authorized Dr. de Alva to sign the communique. While Dr. Carpio repudiates the reported agreement with South Africa to issue a joint communique, Dr. de Alva insists that there was an agreement to this effect. Both agree on a number of points.

First, on the morning on which the communique was signed,

41. *Ibid.*

42. *Ibid.*, p. 9.

43. *The Times*, London, May 26, 1962.

44. *The United Nations Review*, October 1962, p. 11.

A similar comment was made by Argentina, U. N. Document A/C. 4/SR. 1378, 14 November 1962, p. 4.

45. *The Hindustan Times*, New Delhi, May 28, 1962.

Dr. de Alva and the two United Nations officers accompanying him visited Dr. Carpio at his hotel. All of them pleaded that Dr. Carpio should approve the draft of the communique. Even Dr. de Alva failed to persuade him. Dr. de Alva then left the room leaving the officers to continue the task of persuasion.<sup>46</sup> These officers came out of the room after ten minutes and told the Vice-Chairman that Dr. Carpio had finally consented<sup>42</sup> to the terms of the communique. Without checking *personally* the veracity of the report, Dr. de Alva went to the Prime Minister's residence and issued the communique. Dr. Carpio has since then flatly denied his responsibility for the communique. The Special Committee on South-West Africa has ignored the existence of the alleged communique on the ground that the Carpio Committee was not empowered to issue it.

The mystery runs deeper. Dr. de Alva still insists that there was an understanding with Dr. Verwoerd to issue a joint communique on May 7, 1962.<sup>48</sup> Further, they proceeded to work on this basis on their return from the Mandate. The secretarial staff on both sides prepared the text and the draft was studied at least for an hour. Dr. Carpio even made suggestions for improvement and these were incorporated in the draft. As Dr. Carpio felt ill, Dr. de Alva had to attend the meetings alone. Even at the last minute, Dr. de Alva sought and secured Dr. Carpio's consent. Dr. de Alva does not say that he secured this consent personally. There was, it appears, a genuine misunderstanding.

The misunderstanding was much more than was observed on the surface. Dr. Carpio believed that he went to the Mandate not only as the representative of the United Nations but also as that of the Philippines.<sup>44</sup> Dr. de Alva feels that he visited this territory solely as the United Nations' representative. In other words, Dr. de Alva acted in his personal capacity.<sup>50</sup> The former admits that they were not authorized to issue a communique.<sup>51</sup> The latter disagrees with him. Dr. Carpio repudiates the communique while Dr. de Alva stands by it.<sup>52</sup> The votes cast in rejecting the communique were revealing. The Afro-Asian members—Somalia, the Philippines, Burma and Togo—banded together to defeat Brazil, Mexico and Norway.

This thriller has an equally bewildering denouement. The Chairman and the Vice-Chairman have issued a unanimous report without making any reference to the alleged communique which "in effect

46. U. N. Document A/5212, 14 September, 1962, Annex VI, p. 4.

47. *Ibid.*

48. *Ibid.*, Annex. II, p. 2.

49. Liberia expressed a similar view. U.N. Document A/C. 4/SR. 1369, 6 November, 1962, p. 6.

50. U. N. Document A/5212, Annex. I, p. 1.

51. U. N. Document A/AC. 110/SR. 14, 7 August, 1962, p. 2.

52. *Ibid.*, p. 6.

repudiated the communique."<sup>53</sup> They pointed out to the General Assembly the "imperative need for continued firm action on this question by giving the South African Government a short period of time within which to comply with the Assembly resolutions, or, failing that, by considering the feasibility of revoking the Mandate and simultaneously assuming the administration of the territory...." Even after submitting such a report, Dr. de Alva continued to support the views expressed in the alleged communique.

The only known beneficiary of this unfortunate episode is South Africa. She enjoyed this confusion. At the last session Mr. Louw made a lengthy speech upholding the communique. This hardly had any substantial effect. The failure to permit the Rapporteur (Somalia), on racial grounds, to join the Carpio Committee did not go without notice. The United States was constrained to remark that the communique had not "disposed of the case against the Government of South Africa with regard to its administration of South-West Africa...."<sup>54</sup> Even Brazil declared that the "question of the communique was rather a side issue"<sup>55</sup> and more a problem of authenticity and authority.

In passing we cannot help commenting on the activities of the Carpio Committee. It could have utilized the opportunity in a better way. It could have had a better itinerary.<sup>56</sup> It could have verified certain facts. There were reports about the Whites in South-West Africa preparing "to render assistance to the Portuguese Defence Forces".<sup>57</sup> Some effort could have been made to check the reports. There had been reports about a number of projected reserves for Africans. The Committee could have visited these areas and reported on their suitability for habitation. To secure a pass, it was said that a person from Hochannas had to travel thirty-four to thirty-eight miles. Besides recording such a statement, the Committee could have made a factual survey. Even in the limited field in which it had to work, the Committee could have tried to draw a better picture of the territory which it had a chance to visit. Nevertheless, it may be said that the presence of the Committee in the Mandate has invigorated the drooping spirits of the populace.

The Special Committee on South-West Africa submitted its report to the Special Committee on Colonialism.<sup>58</sup> The latter endorsed the report. Further, the seventeen-nation Committee stated that the vir-

53. *Keesing's Contemporary Archives*, September 29,—6 October, 1962, p. 19007.

54. U. N. Document A/C. 4/SR. 1382, 16 November, 1962, p. 15.

55. U. N. Document A/C. 4/SR. 1385, 9 November 1962, p. 4.

56. U. N. Document A/AC 4110/SR. 26, 30 August, 1962, p. 4.

57. U. N. Document A/C. 4/SR. 1225, 30 November, 1961, p. 1.

58. Also known as the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

tual annexation of South-West Africa and the extension of the system of administration based on *apartheid* and domination of the people by the white minority from inside and by the racist Government of South Africa from outside are totally illegal and immoral and in violation of the mandate of the League of Nations undertaken by South Africa and the Charter of the United Nations.<sup>59</sup> The General Assembly on December 14, 1962, by a unanimous vote, dissolved the Special Committee on South-West Africa and handed over its task to the Special Committee on Colonialism.

The Mandate, thus, presents a challenge and an opportunity to the United Nations. It can, by steering the ship of South-West Africa safely to her ordained destination, prove that a peaceful change is possible and law, not force, is the rule of the universe.

## II—Problems and Prospects

THE political future of South-West Africa—independence—was decided on December 17, 1920. Everyone, including the South African Government, is aware of this commitment of the international community. If South Africa is still following its obstinate and obdurate policy, it flows from the Republic's knowledge of the debility of the United Nations and the indifference of the Powers that could bring to bear pressure on it. South Africa hopes that this will give her the time she needs "to poison the politics of Africa gamble with the destiny of the West."<sup>1</sup>

The Great Powers—Britain, France and the United States—are caught in a despicable dilemma. The Afro-Asians, may be even the Afrikaners, view them with suspicious eyes. The Afrikaners feel that they would succumb to Afro-Asian pressure. The Afro-Asians aver that they treat "South Africa's leaders with consideration, if not goodwill,"<sup>2</sup> and are "ready to undermine any United Nations action for the welfare of the indigenous populations."<sup>3</sup> The African people regard the Western attitude towards South Africa as a litmus paper to determine once and for all who are the friends of Africa.<sup>4</sup> The question of South-West Africa is thus a touch-stone. In the days to come the independent States of Africa will exploit it in their fight against *apartheid*.

There are two gravid factors in the situation—the menace of the industrial complex with interlocking directorates, which are supranational, and "the militarization of South Africa by her Western

59. *The United Nations Review*, October 1962, p. 11.

1. Peter Ritner, *The Death of Africa* (New York : Macmillan Company, 1960) p. 83.  
2. U. N. Document A/C. 4/SR. 1236, 6 December 1961, p. 12.  
3. U. N. Document A/C. 4/SR. 1225, 30 November 1961, p. 14.  
4. U. N. Document A/C. 4/SR. 1228, 1 December 1961, p. 16.

friends and particularly by members of the NATO bloc.”<sup>5</sup>

These factors, brought to light by Nigeria, have special significance, particularly when they are coupled with a demand for an investigation of the situation. A recent pamphlet, entitled *The Unholy Alliance*, has listed the factual details of the collaboration that connects the industrial enterprises of Southern Africa, including Katanga. “The data, here presented in concise but in detailed form for the first time, about their financial, political and military connections and about British investment too cannot be disregarded. . . .”<sup>7</sup> Such publications have embarrassed Britain. Yet, her delegate categorically stated that “the theories about the interlocking business cartels on the policies of countries in Southern and Central Africa were not substantiated by concrete evidence.”<sup>8</sup> Mr. Wall, the British representative, argued that the champions of *apartheid* are found in their traditional elements in rural areas. “Generally, the large industrial complexes in the country had a long tradition of liberalism.”<sup>9</sup> South-West Africa particularly, Mr. Wall said, suffered from lack of significant capital investment.<sup>10</sup>

The British Government has yet to vote in favour of a strong resolution on South-West Africa in the United Nations. “The reason is plain: Dr. Verwoerd, Whitehall knows, has the power to hurt Britain.”<sup>11</sup> British investments in South Africa are placed at £900 million and the Republic is her fifth best customer. British exports are about £150 million a year. “Golden South Africa, the argument runs, is a valuable member of the sterling area and should be treated as such.”<sup>12</sup> This coin has an obverse that needs polish. On closer scrutiny, it is discovered that the preferences given to British goods by South Africa are so small that “their abolition would have negligible effects, save perhaps in some branches of trade in electrical goods.”<sup>13</sup>

American investment in South Africa is considerable. From \$140 million in 1950, it reached a peak of \$323 million in 1959 and fell to \$285 million in 1960.<sup>14</sup> Singled out as the safest investment centre, South Africa makes it “possible for American Companies to realize annual profits of 27 per cent.”<sup>15</sup> The United States is also considered to be the third biggest customer of South Africa.<sup>16</sup> In 1961, the

5. U. N. Document A/C. 4/SR. 1383, 16 November 1962, p. 12.

6. *Ibid.*,

7. *The Economist*, London, 4 August 1962, p. 425.

8. U. N. Document A/C. 4/SR. 1380, 15 November 1962, p. 8.

9. *Ibid.*,

10. *Ibid.*,

11. *The Economist*, London, 31 March 1962, p. 1210.

12. *Ibid.*,

13. *Ibid.*,

14. Vernon McKay, *Africa in World Politics* (New York : Harper and Row, Publishers, 1963) p. 279,

15. *The New Republic*, Washington D.C., 1 December 1962, p. 8.

16. Mr. Maurice D. Deary of Cape Town in a letter to *The Christian Science Monitor*, Boston, 3 January 1963.

United States had a slightly favourable balance of trade. She exported \$228 million worth of goods to South Africa against \$209 million worth of imports.<sup>17</sup> The businessman's natural enthusiasm is reflected in the following statement: "The whole Western world and all free nations, of which South Africa and the United States are two outstanding leaders, will have to work together more in the years to come...."<sup>18</sup> Such statements have disfigured the American image in Africa.

In passing mention may be made of the economic benefits derived by the Africans in South-West Africa. It has been pointed out that they "have benefited in material ways, despite the South African Government's rigid defiance of United Nations resolutions."<sup>19</sup> This material prosperity is deceptive. Commenting on the setting up of the Commission the representative of the United States said that its very establishment was an admission that the adequate means which South Africa claimed to possess "have not been employed."<sup>20</sup>

The repeated attempts by some Afro-Asian countries to coerce South Africa through economic boycott have not evoked a similar response from Europe. There is a reasonable hope that effective economic sanctions would bring freedom to this lacerated land. But the resolutions of the United Nations have failed to secure the support of the United Kingdom. Mr. Wall asserted emphatically that his country "would not support any solution which sought to impose, whether economic or military...on legal and practical grounds..."<sup>21</sup> Without British support, economic sanctions seem preposterous.<sup>22</sup> For, "if every other country applied the resolution and Britain did not, South Africa could still manage. If Britain alone were to apply it South Africa would be in danger of collapse...Britain will not relish taking sanctions against South Africa, but ought she not to do so?"<sup>23</sup> We believe she should because the entire world believes that South Africa is wrong in holding on to South-West Africa.<sup>24</sup>

The tinder-box in the South African situation is its military capability. South Africa imparts compulsory military training to all physically able whites and has developed "a weapons manufacturing capability. During World War II the Union was able to supply most of

17. *The New Republic*, 1 December 1962, p. 8.

18. Mr. Keith Funston, the President of the New York Stock Exchange, quoted in *The New Republic*, *Ibid.*

19. Mackay, *op. cit.*, p. 67.

20. U. N. Document A/C. 4/SR. 1382, 16 November 1962, p. 15.

21. U. N. Document A/C. 4/SR. 1380, 15 November 1962, p. 11.

22. "Loss of trade through sanctions, therefore, amounted to 14,580,000 pounds—less than 2 percent of the 1960 export figure." Mr. Deary in *The Christian Science Monitor*, 3 January, 1963.

23. *The Manchester Guardian Weekly*, 6 December 1962.

24. B. B. Brooks, *South West Africa - 1945-50, Union Province or United Nations Trusteeship Territory*: An unpublished dissertation submitted to The Chicago University, 1955, p. 107.

the material needs of her own forces. . . . Since the war the munitions industry has been maintained by Government subsidy in order to maximize South Africa's self-sufficiency in material and military supplies."<sup>25</sup>

The production of armaments is placed at \$19.6 million in 1962 against \$5.6 million in 1961.<sup>26</sup> The military budget too has shown a steep rise. It was \$85 million in 1961, \$168 million in 1962 and \$240 million in 1963.<sup>27</sup> The most dangerous part of the South African military organization is its thorough-going "Afrikanerization". "Consumed by fear and insecurity, the present regime had made every effort to ensure its ultimate control over not only African masses but also over the English descended component of the European oligarchy".<sup>28</sup> In South Africa force, not will, is the basis of state.

In the development of South Africa's military might, Western contribution is substantial. Though the United States has ceased to sell arms to South Africa,<sup>29</sup> Britain refuses to snap such a link. Mr. Wall has adumbrated that his country has a defence agreement with South Africa and the arms sold are "unsuitable for measures of internal repression."<sup>30</sup> Mr. Peter Thomas, British Under-Secretary for Foreign Affairs, has explained that "not all arms are used for repression."<sup>31</sup> This seems to be the price for the continued use of the Simonstown base by Britain. "There is, apparently, to be no embargo upon the sale of arms, ammunition, or even tear-gas to the South African Government. Some of Dr. Verwoerd's new £60 million defence budget (up by £24 million) will undoubtedly be spent in Britain."<sup>32</sup> There are reports of the purchase of six low-level attack planes at \$3 million apiece<sup>33</sup> and negotiations for the purchase of helicopters are on.

This build-up has a facade to suggest that South Africa is preparing for internal repression rather than external aggression. But, if Nigeria "could be dominated by one division with a few helicopters and some

25. John J. Johnson, *The Role of the Military in under-developed countries* (Princeton: Princeton University Press, 1962) p. 375.

26. *The New Republic*, 1 December 1962, p. 9.

27. U. N. Document A/C. 4/SR. 1382, 16 November 1962, p. 18.

28. Johnson, *op. cit.*, p. 375.

29. *The Economist*, 10 November 1962, p. 552.

There are contradictory reports. "The U.S. has been approving sale of military "equipment" to the Nationalist regime by private American firms on the grounds that it was of such a nature—largely communication equipment—that it could not contribute to putting down the populace." *The New Republic*, 1 December, 1962 p. 9.

"The Statement released by Lincoln White was not cleared in the White House, which reportedly was uneasy about it, partly because of the military interests of the Department of Defence in South Africa..." Mackay, *op. cit.*, p. 300.

30. U. N. Document, A/C. 4/SR. 1380, 15 November, 1962, p. 9.

31. *The Economist*, 31 March 1962, p. 9.

32. *Ibid.*,

33. *The New Republic*, December, 1962, p. 9.



modern signal equipment,"<sup>34</sup> South African armed might is enough to control Africa. The Republic is "bordered on territories which, for obvious reasons, could in no way threaten its security. . . ."<sup>35</sup> Here we have an inescapable pointer. South Africa, it appears, fears a "war of liberation" by independent African States supported by the United Nations. There is a genuine fear that, armed with the decision of the International Court of Justice, Ethiopia and Liberia may seek sanctions under Article 94 of the Charter. "And if the Security Council's action were blocked by the veto . . . the opponents of South Africa might seek a two-thirds vote of the General Assembly for sanctions."<sup>36</sup> In that eventuality South Africa's only hope is to prolong hostilities so as to drive the United Nations to bankruptcy.

The independent African nations are in a hurry to hasten the dawn of self-government everywhere in Africa. No colony presents them with a greater opportunity than South-West Africa. They can secure freedom for the Territory and also fight the horrid racist movement—*apartheid*. This presents an imponderable element to South Africa in her attempt to annex the Territory.

Almost all African States have warned South Africa in the United Nations. All of them, without exception, are opposed to the government which has been set up by a minority in the Territory and which, in Gladstone's felicitous phrase, is "rightly struggling to be free". The fact that the African States "had not attacked South Africa with arms should not be taken by the South African Government to mean that they would not fight for the cause."<sup>37</sup> It is certain that any move in the General Assembly to free the Mandate will receive the overwhelming support of the Afro-Asian nations.<sup>38</sup> The possibility of a Congo-type operation cannot be ruled out.

*Apartheid*, Mr Wall said, is "morally abominable, intellectually grotesque and spiritually indefensible."<sup>39</sup> It sings the soul of the Africans. On that issue "most African states are willing to use every weapon at their disposal, including radio propaganda (which is becoming intense), financial aid to their fellow nationalists, economic boycott and pressure in the United Nations General Assembly".<sup>40</sup> The fight for freedom is no longer left to the poor, forlorn and the defenceless people. Freedom, like virtue, cannot live in solitude.

Racialism is an obsession in South Africa. Some say it is a

34. Peter Calrocotessi, *World Order and New States* (New York: Frederick A. Praeger, 1962), p. 52.

35. U. N. Document A/C. 4/SR. 1382, 16 November 1962, p. 18.

36. Mackay *op. cit.*, pp. 29-30.

37. U. N. Document A/C. 1218, 24 November 1962, p. 16.

38. We disagree with Dr. Mackay's surmise: "Many new members of the General Assembly, however, would undoubtedly question whether the South West African issue is of the type of threat to 'international peace and security' which would satisfy the grave precedent of invoking sanctions," Mackay, *op. cit.*, p. 30.

39. U. N. Document A/C. 4/SR. 1380, 15 November 1962, p. 10.

40. Smith Hempstone, *The New Africa* (London: Faber and Faber, 1962), p. 635.

national pastime. Whatever that be, it contains the seeds of destruction of the Afrikaners. They can no longer rule the Africans "as if they were merely ciphers without names and minds."<sup>41</sup> The Africans are politically mature to grasp the dangers of racialism in reverse. All African political parties in the Mandate believe that in an independent South-West Africa, every one, irrespective of his colour and "ethnic group", will have the same human rights. The paranoiac Afrikaner, who suffers from old hates and new fears, who cannot turn around to read the writing on the wall, cannot appreciate this feeling. That is his tragedy.

Fortunately, not all the whites in South-West Africa are Afrikaners. Many are of German descent. They are not likely to support the Republic, if the World Court were to give a judgement against it.<sup>42</sup> The enfranchised opposition constitutes nearly forty per cent<sup>43</sup> and it is aware that elections in the Mandate are only a charade. They seem to nourish the impulses for the formation of an "autonomy" party and do not relish "the prospect of being formally incorporated into the Union."<sup>44</sup> The combined strength of the Europeans in opposition is rising and may succeed in overthrowing South African rule.<sup>45</sup>

South Africa is aware of this trend. She is setting up offices in Europe to attract European immigrants into South Africa. Large-scale immigration would not only weaken the enfranchised opposition but also reduce the disparity between the proportion of the white population to the non-white population. Mr. A. E. Trollip, Minister for Immigration, has called 40,000 to 50,000 immigrants from Europe. In 1961, 16,309 white immigrants entered South Africa to raise hosannas for apartheid. But there were 14,903 who left the country fearful of the impending disaster.<sup>46</sup> On the other hand, "the population of non-Europeans (Africans plus "coloureds") is overwhelming though steadily decreasing: 91 per cent in 1921; 90 per cent in 1936; 89 per cent in 1946; 88 per cent in 1951; 87 per cent in 1960."<sup>47</sup> The cumulative effect of such policies can only be calamitous.

In South Africa foul winds are blowing. Racialism will, perhaps, have its walpurgis-nights shortly. A new terrorist organization called "Poqo" ("We stand alone") has caught the imagination of the people. An African Minister of Religion sadly commented: "Afri-

41. Margery Perhem, *The Colonial Reckoning* (New York: Alfred A Knoff, 1962) p. 123.

42. Allard K. Lowenstein, *The Brutal Mandate: A Journey to South West Africa* (New York: The Macmillan Company, 1962) p. 116.

43. U. N. Document A/C. 4/SR. 3178, 14 November, 1961, p. 10.

44. John Gunther, *Inside Africa* (New York Harper & Brothers, 1955), p. 566.

45. Lowenstein, *op. cit.*, p. 115.

46. These figures are for South Africa, *The Economist*, London, 30 June 1962, p. 1303.

47. *Official Records: General Assembly, Note by the Representative of Nigeria to the Chairman of the Fourth Committee*, U. N. Document A/C. 4/580, 16 November 1962, p. 2.

can people, even those who used to be innocent, are joining the movement like floods. Our fear is whether the Government can ever stop this movement."<sup>48</sup>

"Poqo" has developed out of the proscribed Pan-Africanist Congress, which has given up non-violence as the main method of struggle. "Poqo's" headquarters are apparently in the Langa township of Capetown. Here 18,000 Africans live "unnatural lives as enforced bachelors". Its membership is restricted to African men, who pay a 2s. 6d. admission fee and 1s. a month. If men refuse to join, they are assaulted. Secret meetings, attended by up to 300 members, are held in houses, halls and in the bush."<sup>49</sup> Its recruiting agents, masquerading in Balacava caps, force Africans to join them. The aim of the "Poqo" is to drive the whites back to Europe. This fire, despite its wonky start, will effortlessly spread to the dry woods in South-West Africa. The consequences are inevitable.<sup>50</sup>

We would like to believe that all is still not lost. This may prove to be facile optimism. South Africa and the Mandate, as Mr. Manning, United States Under-Secretary for Public Affairs, aptly described, form "an area of white privilege and black grievance. It is an area where only great statesmanship, great courage and great patience can avert calamity. The alternatives are between developing justice and orderly change, on the one hand, and an eruption of race violence that could make the Congo seem a strawberry festival."<sup>51</sup> He struck the right note. If this were allowed to frost on the cake of commonsense to form a firm American policy,<sup>52</sup> as in Katanga, South-West Africa can look to a peaceful future.

South-West Africa was in the lap of the world community. The Mandatory, which was entrusted with the task of rearing it, adopted a step-motherly attitude. The Mandate has survived but is suffering from ill-treatment and under-nourishment. Self-Government is indispensable for the restoration of its political health. Independence, then, is the pedestal, not a podium, for South-West Africa. Freedom, even with its fragrance, may not in itself be the solution, but without it there will be no survival.

48. *The Observer*, London, 23 December, 1962.

49. *Ibid.*

50. Mr. Wall said that "there was likewise no evidence that what was happening in South West Africa constitutes a threat to world peace." U. N. Document A/C. 4/SR 1380, 15 November 1962, p. 11.

51. Robert I. Manning, *U. S. Foreign Policy Problems and Challenges for 1963*, Department of State, Press Release No. 12, 11 January 63, p. 5.

52. "The U. S. should push ahead in its efforts to persuade South Africa to meet its obligations. Failing this, the next step would be coercive action—perhaps economic boycott or actual armed intervention. By not ruling out the possibility of such stern measures, the United States will alert South Africa....." George W. Sheperd Jr., *The Politics of African Nationalism*: (New York: Frederick A. Prager, 1962) p. 211.

## MULTI-PARTY DEMOCRACY IN INDIA

by M.V. NAMJOSHI

**I**NDIA has a multi-party system with a single dominant party, namely, the Indian National Congress. All multi-party systems have tended to create anxieties about their stability.

In the Indian context, there appear to be two main fears that are currently felt. One is that a split in the dominant party or its decline may lead to the familiar working of unstable, short-lived coalitions. The second fear is that even if the present multi-party system continues, opposition parties may fail to fulfil in an adequate measure what is expected of them in regard to their two functions of providing criticism and an alternative government. The mere fact that the country has conducted three general elections is no guarantee of its progress towards a stable parliamentary democracy; to think otherwise would be as mistaken a belief as to regard the beginning of planning and the creation of a public sector as guarantees of the country's progress towards socialism.

In order to discuss the multi-party system in India we must bear in mind both the universally useful technical devices for overcoming the defects of multi-party systems and the peculiar, strategic requirements of action in the Indian situation.

We can clear the decks for the discussion by noting the fact that in India party proliferation is not a result of the electoral system. Comparative studies have shown that there is only a limited connection between plurality elections and a two-party system, on the one hand, and proportional elections and an increase in the number of parties, on the other. In Scandinavia, for example, proportional representation has helped opposition parties to play an effective role. The mere absence of proportional representation is, however, not sufficient to reduce the number of parties. The presence, in France and India for example, of extremist parties with a significant following shows that it is necessary to adopt other measures. We shall now discuss some of the measures usually considered in such a context.

Simple technical devices like the double simultaneous vote can be used to encourage the emergence of two-party dominance, while, at the same time, facilitating fractionation within the major parties. Let us consider an illustration of the use of this system. Unfortunately, the experience relates to a small country—Uruguay—which has a po-

pulation smaller than that of Bombay city. However, it can serve to illustrate the method if not to demonstrate its applicability. Let us consider the 1950 Presidency election in that country. There were two parties, namely, the Nationalist Party and the Colorado Party, and one Nationalist candidate and three Colorado candidates ran for the Presidency. The Colorado Party permitted three candidates to contest the election because under the Uruguayan system the votes polled by them would be added and ascribed to the candidate receiving the highest number of votes among them. The voter votes at one and the same time for the candidate and the party of his choice. To make the illustration clearer, let us consider the actual figures for the 1950 election. Among the Colorado candidates, "Andres Martinex Trueba received 161,162 votes; Cesar Mayo Gutierrez, 150,930; and Eduardo Blanco Acevedo, 120,949. The Nationalist candidate, the perennial Luis Alberto de Herrera, running for the sixth time, won 254,834 votes, or 93,572 more than the highest of the three Colorado candidates. But the three Colorados were running under the same lema (party) and the total of all their votes was 433,454 (adding in about 300 ballots unassigned to any candidate individually). All these votes were consequently given to Martinez Trueba, the leading Colorado, which gave him a handsome plurality of 178,620 over Herrera."<sup>1</sup>

It has been said that the system combines a primary election and a final general election. It has the advantage that the whole population, and not only party members, votes for the choice of a candidate even within a party.

Another characteristic of the Uruguayan Constitution is the combination of Presidential control of Foreign Relations and War with a National Council of Administration responsible for most of the other ministries. This system of having a "plural executive" came into being as a result of the Pact of the Parties in 1916-17. It is interesting to note that the second half of the Uruguayan experiment has now been tried out on a somewhat large scale, though of course in a modified form, in France and Germany.

In the French case the special powers given to the President and the special position of the Constitutional Council in the Fifth Republic's Constitution have helped to bring about stability. The policies of individual parties, under such conditions, are less likely to destroy the system.

In Germany where, unlike in France, there is no significant communist party, the emphasis is on improving parties rather than improving the system. An attempt to have built-in rules regarding inner party working and collaboration between parties was made in the West German Constitution of 1949. Rules to maintain demo-

1. Russell H. Fitzgibbon: *Uruguay: Portrait of a Democracy*, 1954, p. 154.

crazy within the party and rules making consultation of parties in policy formulation obligatory have given a constructive direction to the evolution of the party system in Germany where a system of two-party dominance is tending to emerge.

We have so far mentioned a few generally applicable technical devices like proportional representation, the double simultaneous vote, the plural executive, and incorporation of rules governing parties into the constitution for bringing coherence into party politics. To judge whether all or any of them can have any relevance in the Indian context in the near future we must go into a basic discussion of the party system in India. The argument can conveniently be developed in four stages. First, we shall enquire into the presence or otherwise of the pre-conditions which render workable any parliamentary system—whether two-party or multi-party. This will lay the foundation of the second part of our argument, which is a refutation of the arguments of those who plead for the rejection of political parties in the Indian context. Thirdly, we shall discuss the possibility of reforming individual political parties and, finally, we shall discuss how to operate the party system as a whole in India.

Some of the pre-conditions required for the working of a party system already exist. Thus we have inherited the instruments of government such as the army, the civil service, and the judiciary, which are neutral as between parties. We have also independent universities and a free press. Trade unions, in spite of their political involvement, have not, on the whole, hindered the functioning of parties. It may prove necessary to create new areas which could be kept outside politics. Thus the Planning Commission, for example, could treat as political data the results of the struggles in the parliamentary field and in the field of collective bargaining. Similarly, certain local governmental institutions could be kept outside the field of party politics. The creation of these pre-conditions is intended to keep the action of political parties within a responsible frame. There is however a vicious circle here because political parties must themselves be responsible in order to create the pre-conditions. To break this vicious circle it may be necessary to take simultaneous action to create the pre-conditions as well as reform the political parties.

Since some of the pre-conditions for a party system already exist and others can be created, it is necessary to emphasize that the tendency to think in terms of partyless systems has to be clearly rejected. It is necessary to plead for the creation of additional pre-conditions essential for the working of a party system. It is also essential to plead for a reform of individual parties. It is not possible, however, to accept the rejection of the system of political parties that has always tended to be an important element in the Indian discus-

sions on this question. The importance of this trend in Indian thinking is illustrated by the fact that political parties or sections of political parties have on occasion transformed themselves into general movements of social reconstruction based on specific ideologies. For example, the small Radical Democratic Party founded by M. N. Roy, following its massive electoral defeat in 1946 and because of its basically new ideological convictions, attempted to transform itself into a comprehensive social movement aiming at the building up of a political structure from below. One of the bad features of the party system, namely, that it restricts the number of citizens participating in political activities, was to be overcome by setting up a variety of local organizations having a common political approach. These local organizations, called "people's committees", never came into being but individual members of the party continued to be politically active. Similarly, many of the old Gandhians broke away from the Congress and initiated the Sarvodaya Movement. The movement evolved a programme which has benefited the thinking on tribal and regional problems but it has had little beneficial effect on political parties. These movements may be looked upon as attempts to go in for something broader than party work. The middle approach, namely, that of combining the usual type of political activity with an extension of activity into certain spheres, on the one hand, and avoiding struggle in certain fields, on the other, has not been tried.

We have taken the position that the pre-conditions for a proper functioning of parties must be created. It is also essential that an internal reform of parties should be attempted if progress towards the goal of democratic socialism is to be achieved. Progress without a drastic change in the political order will be possible only if the State becomes increasingly neutral as between classes and parties. This can be done if the political parties themselves are neutral as between classes and this in turn involves experimentation with some new methods that will render parties relatively less dependent on finance from particular classes. This may require policies designed to modify the concentration of economic power, adoption of new rules and conventions regarding party finances and new types of public subsidies for certain expenditures of political parties arranged in a way that will promote their independence and prevent an unnecessary multiplication of parties. A second important line of reform in party life is the need to provide constructive leadership and participation in planning and democratic activity through a variety of affiliated organizations. In the Indian context an ideal party must lie somewhere between the Liberal and the Communist extremes. It should provide leadership for planning in a variety of sectors and at different levels and yet

also enable parliamentary democracy to operate. The definition of areas of struggle and of agreement is of very special importance if parties are to be of this character. A third problem is to halt the deterioration in the nature of issues which become a centre of political controversy and to overcome the typical tendency of parties in multi-party systems to avoid formulating precise programmes in order to keep open the possibilities of coalitions. A fourth necessity is the development of ideological discussions and research which again will help in defining the areas of agreement and differences. If reform of individual parties along some of these lines is attempted, the development of stable and meaningful coalitions would become possible.

India has two goals, viz., socialism and democracy. Unlike a plan for economic development, a plan for progress towards the goal of democracy cannot be a cut-and-dried one, the uncertainties and possibilities of free decisions by groups being much greater. Such a plan must aim at keeping in public view a wide variety of solutions, trusting that the basic moral consensus on nationalism and the more limited consensuses on democracy and socialism will result in the right decisions being taken. In this context, we have to envisage two possibilities. One is that it may be necessary to continue for a considerable time a multi-party system with a single dominant party. In this case the problem becomes one of creating more favourable conditions for an effective opposition, effective planning, and the relative freeing of parties from class involvements on the financial side. The other alternative, namely, the emergence of a system of two-party dominance, makes it necessary to indicate that in this case the inevitable acceptance of the socialist goal limits the number of combinations of parties, which is a factor that should be considered. A two-party system based on an extreme polarization of rightist and leftist forces is not likely to lead to the survival of parliamentary democracy in India. The emergence of two dominant parties as a result of a consolidation of left forces into two groups, say, a National Congress committed to socialism and a united left opposition pleading for greater speed in the movement towards socialism, is more likely to preserve the parliamentary system. A slight variant of this, still workable, would be a centrist Congress opposed by a United Left. It is necessary to accept either of the alternatives or to continue to have the present single-party dominance till many of the measures of planning and socialism essential for economic independence and development are achieved.

When we talk of modifying the party system as a whole we are faced with the difficulty that action by any single authority or group—even the government and the ruling party—is not sufficient. Fortunately, we have inherited from Indian nationalism what we have al-



ready referred to as a moral consensus. This impels many influential circles, though with certain exceptions, to act in a similar direction. Moreover, recent developments may strengthen Indian democracy further. The Indian communist party has accepted parliamentary democracy and as a result of Chinese policies vis-a-vis India, Kashmir and Pakistan it will be forced to act along the lines of its Italian counterpart, pressing for a structural reform in the economic system through constitutional means. The Swatantra party, notwithstanding the fact that the adoption of its programme would lead to a slowing down of economic life and would consequently threaten democracy, tends to be a stickler for constitutionality in its role of opposition. These favourable factors, taken together with the moral consensus which shows that Indian nationalism is a complex of deep-seated feelings, suggest that there will be a willingness to experiment with various technical devices and realignments that will help promote the emergence of two-party dominance. A further discussion on these devices is the need of the hour. Securing the acceptance of necessary measures should not be too difficult. The present attempt to achieve a socialist goal through planning and parliamentary democracy combines ideological strength with realism and thus provides a stimulus to creative planning.

Tom J. Mboya, writing in *Foreign Affairs*<sup>1</sup> on the party system and democracy in Africa, has pointed out that certain western critics, either out of self-interest or out of rationalization, often tend to over-emphasize the moral and practical significance of small minorities in the Asian, African and Latin American countries. The problems of organizing an adequate party system are of central importance, but certainly there is no sign of any loss of capacity to solve them.

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1. *Foreign Affairs*; July 1963, p. 650.

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## QUARTERLY CHRONICLE

### Army Mutinies in E. Africa

THREE months after the distressing events of January 1964, a definitive version of the revolution in Zanzibar and the mutinies in Tanganyika, Uganda and Kenya has still to emerge. Were the East African revolts part of a grand design or four unrelated events? It has been suggested that the sequence of events starting with Zanzibar was no mere coincidence and that there were ruthless forces of disruption at work in East Africa. The forces that were most frequently mentioned in this connection were the Communists and their agents. There is some circumstantial evidence for this thesis. It seems true that some of the operators in Zanzibar had had connections with China and Cuba. The mutiny in Tanganyika took place within hours of "Field Marshal" John Okello's entry into Dar-es-Salaam.

Further evidence was provided by the fact that some of the new leaders of Zanzibar had communist leanings and the fact that China rushed to establish diplomatic relations with the revolutionary regime.

President Nyerere and Premier Kenyatta have dismissed the suggestion of a Communist conspiracy behind the revolts. Mr Nyerere has however acknowledged that beneath the pattern of revolt a plot to overthrow the Government can be discerned. The three Governments have instituted an investigation of the possible link-up of the mutinies.

In Tanganyika, Uganda and Kenya the revolting soldiers were intent on securing an increase in pay for the army and forcing the pace of Africanization of the services. In each case, the Governments sought the help of British troops to deal with the situation. While Tanganyika and Uganda ordered pay increases, Kenya ordered a study of the pay structure of soldiers. A decision common to the three Governments was early Africanization of the armed forces.

Economic factors prompted the mutinies in Tanganyika, Uganda and Kenya. The primary spur was the fact that after independence the Governments of these countries were so busy with the problems posed by the trade unions and others that they had neglected the armed forces. The transfer of power to politicians meant their immediate advancement but no commensurate improvement in the status of army personnel.

The first signs of trouble appeared in Tanganyika on January 20 when troops of one of the two battalions in the country staged a pre-dawn revolt in Dar-es-Salaam but returned to the barracks at the intervention of the Foreign Minister. Besides accepting their demand

for pay increases, British officers and N.C.O.s of the battalion were flown to Nairobi. They were later replaced in the battalion by Africans. The Foreign Minister described it as a "misunderstanding between African and British troops."

The next day fighting was renewed in the Arab and African quarters of Dar-es-Salaam as 8,500 British troops flown from Nairobi were placed on an emergency call. As the situation continued to be serious on January 24, President Nyerere called in British troops to help quell the mutiny. Swift action by British commandos forced the rebels back into the barracks on January 25 and calm returned to the country.

In neighbouring Uganda, 250 men of the Uganda Rifles at Camp Jinja on Lake Victoria rose in revolt and held prisoner British officers and N.C.O.s. It was later described merely as misbehaviour on the part of new recruits. At the request of the Premier, Mr Milton Obote, Britain flew troops from Kenya. Besides men aboard a frigate and a destroyer offshore Uganda, 450 soldiers took up positions in Kampala, the capital, at key points as a precautionary measure.

Although Kenya sought British help to guard against her troops emulating their counterparts in Uganda and Tanganyika, it did not escape this fate. On the night of January 24 men of the Kenya Rifles at Laret took over the armoury and created disturbances. Shooting took place in the early stages but British troops soon recovered all the buildings occupied by the mutineers and restored peace.

The Prime Minister, Mr Jomo Kenyatta, announced plans for rapid advancement of African officers and recruitment of 1,000 young men in the army. As a result of the rebellion 100 soldiers were to be court-martialled and 176 dismissed.

In March when the British Commonwealth Secretary, Mr Duncan Sandys, visited Nairobi, he announced that Britain would help in developing Kenya's army, expanding her air force, and establishing a small navy. Kenya in return agreed to let British troops use the country as a training ground and granted the R. A. F. the right to overfly Kenya and the British Navy the right to use Mombassa harbour for repair work.

Barely a month after Zanzibar attained freedom from the British, it witnessed a change of regime from the royalist to the republican. On January 12, Zanzibar Radio proclaimed the Republic of Zanzibar and installation of a new Government headed by the leader of the predominantly African Afro-Shirazi Party, Sheikh Obeid Karume. It was also announced that the regime of Sheikh Mohammed Shamte had been overthrown after heavy fighting. The Sultan of Zanzibar and the deposed Premier had boarded a steamer standing offshore. The Sultan was granted temporary asylum in Tanganyika pending a decision on his permanent settlement after Kenya had refused him permission to

disembark at Mombassa.

Reports of the revolt mentioned that fighting started early in the morning and continued in the afternoon. The 600-strong force of Field Marshal John Okello attacked two armouries, overpowered the guard, seized all arms and then assumed control of other offices.

The Shamte Government sought British intervention and while the request was being considered by Whitehall the mutiny had succeeded. However, British troops were aboard a frigate sent towards the island in case protection was needed for the Britons there.

A Minister of the Karume Government announced that there would be no hangings of former leaders. The new rulers of the clove island said the country would be a People's Socialist Republic and would remain a member of the Commonwealth.

Neighbouring African countries were the first to recognise the new regime. China was the first Communist country to do so. India announced its decision in this regard on February 20. The United States and Britain did so a couple of days later after initial difficulties arising out of the treatment meted out to their envoys.

The implications of the revolts were discussed at a ministerial conference of the Organisation of African Unity held in Dar-es-Salaam on February 12, 13 and 14 at President Nyerere's initiative. Of the 34 O. A. U. members, 29 were represented at the meeting. The inaugural speech by the host President stressed the implications of summoning foreign troops to restore law and order and their effect on African nationalism and non-alignment. "Our national humiliation arises from the necessity of having non-Tanganyikan troops to do our work for us". He declared there was no evidence of outside forces being behind the revolts nor were they the "spearhead of popular revolt". Having restored peace with U.K. help, Tanganyika had to rebuild its own army.

All participants in the meeting accepted the need to replace British troops. The problem was referred to a twelve-nation committee which included the delegates of Kenya, Uganda and Tanganyika. A plenary session on February 13 adopted the suggestions of the committee. It was agreed that British troops in Tanganyika be replaced by African battalions and an air wing. After six months the units would leave, the Government having trained its own troops. The non-Tanganyikan troops would be controlled by the host Government. Algeria, Ethiopia and Nigeria were reportedly the three countries approached for troops.

It was for the first time that African countries, most of which had become free after 1957, had recognised the possibility of external interference and internal subversion. Ghana strongly pleaded for a federation as opposed to regional groupings. It felt that the answer to the crisis lay in continental unity.

### **Revolt crushed in Gabon**

IN a midnight revolt on February 18, military units took over Government buildings in Libreville, the capital of Gabon, and claimed to have overthrown the regime of President Leon M'ba. A rebel broadcast over Radio Gabon announced the arrest of the President and "his associates". The coup was bloodless. The rebels promised to restore civil liberties and free political prisoners.

Unlike in former British East Africa, the M'ba regime did not seek French assistance to crush the rebellion. Instead, Gen. de Gaulle acted on his own under the Franco-Gabonese mutual aid treaty of 1961 and sent French troops from Senegal and other French ports in Africa. Airborne French forces overthrew the day-old rebel regime, freed President M'ba and others, ousted his rival, M. Jean Hilaire Aubawe, who had headed the provisional insurgent Government, and restored calm in the former French Colony.

### **Chinese Premier tours Africa**

MR CHOU En-lai's recent tour of ten African countries has not been an unqualified success. The cancellation of his visits to Kenya, Tanganyika, Uganda and Zanzibar robbed his tour of its grand finale. It laid China open to the charge of promoting subversion in newly-independent countries. Though President Nyerere and Premier Kenyatta have denied Chinese complicity in the mutinies that broke out in these countries, the fact remains that Mr Chou En-lai was unwelcome in East Africa.

The Chinese mission was a complete failure in its efforts to drive a wedge between Russia and Africa. All the countries visited by him declined to take sides in Peking's dispute with Moscow or on any of the larger issues dividing the two world blocs. Even in Algeria, where the Chinese Premier received a big ovation, President Ben Bella made it clear that his policy of friendship with China would continue to be in the framework of neutrality. The U.A.R. Government went out of its way to send Mr Chou En-lai on a ceremonial visit to the Aswan High Dam, a monument to U.A.R.-Soviet friendship.

From India's point of view, however, the most important outcome of Mr Chou En-lai's mission is the confusion it has succeeded in spreading in Africa about China's naked aggression against India as well as about the boundary dispute between the two countries. Ghana and the U.A.R., which are parties to the Colombo proposals for a peaceful settlement of the Sino-Indian dispute which India has accepted in toto and China has not, joined Mr Chou En-lai in issuing communiques in which no note was taken of the existence of the Colombo proposals and China's failure to accept and implement them. To the extent that the communiques envisaged negotiations on some basis other than the Colombo proposals, to which Ghana and the U.A.R.

are committed, it implies an admission of failure.

Among the successes of Mr Chou En-lai are the formal recognition accorded to the Peking regime by Tunisia and the tacit recognition by Ethiopia. But the blunt words he heard from President Bourguiba and Emperor Haile Selassie must have upset his calculations of a soft sale of Peking's policies in Africa. Mr Bourguiba left Mr Chou En-lai in no doubt about his real estimate of Peking's policies in international life. The Tunisian President told him that the chief obstacles in the way of China's acceptability as a member of the comity of civilized nations were Peking's attempt to spread revolution in Africa, its refusal to sign the nuclear test-ban treaty and its aggression against India.

Emperor Haile Selassie made it a point to praise the nuclear test-ban treaty and exhorted those nations which had not yet signed it to do so.

Mr Chou En-lai's 53-day visit started with his arrival in Cairo on December 14. President Nasser was away in the Sudan but returned later in the day to be able to attend a dinner in honour of the Chinese Premier. At the dinner Mr Nasser advocated a U.N. seat for China and praised its support during the Suez crisis but made no reference to disarmament or the nuclear test-ban treaty. The Nasser Government insisted that the visitor see the Aswan Dam being built with Soviet help, much against the guest's wishes to the contrary. The visit came off on December 18. Next day the two leaders met for four hours when Mr Chou En-lai outlined his concept of Afro-Asian solidarity. In a speech on December 20 Mr Chou En-lai stressed Sino-Soviet solidarity and described the split with Russia as a temporary one. In a joint communique the two heads of Government stressed their desire for a peaceful settlement of the Sino-Indian border dispute.

The Chinese Premier arrived in Algiers on December 21 to a quiet welcome. In his speech later in the day President Ben Bella supported China's claim to a U.N. seat and Russia's thesis of peaceful co-existence. He failed to mention a second meeting of Afro-Asian nations though to gain support for it was one of the aims of Mr Chou En-lai's tour. On December 23 the two leaders met for two hours. The joint communique of December 26 contained, besides other statements, a pledge to "accelerate the process of national liberation". Mr Ben Bella accepted an invitation to visit China.

In Rabat the same routine of talks, banquets and speeches was gone through. On December 30, Mr Chou drove through the streets of Casablanca virtually unnoticed though a lunch hour crowd from offices and factories was on the roads.

Resuming his African "safari", Mr Chou En-lai landed in Tunis to a rather cool welcome, a minimum of official fanfare and a surprise absence of speeches. Later at a banquet President Bourguiba attack-

ed China's aggressiveness and disregard for peace and impliedly criticised the invasion of India. "Some of China's attitudes have not failed to cause questioning among us, whether it is a question of the U.N. resort to force to settle frontier problems or the Moscow agreement (nuclear test-ban treaty)".

On another occasion the host said his country supported China's entry into the U.N. though it did not approve of all its policies. The joint communique showed a big gain for Mr Chou En-lai. Tunisia decided to recognise China.

In Ghana, the party arrived on January 11 and President Nkrumah and Mr Chou En-lai held talks for three hours the following day. Though Mr Nkrumah lauded the "great strides" made by China under Communism he avoided taking sides in the ideological dispute or the border dispute. The five-day stay of the Chinese Premier ended with the issuing of a joint communique stressing the need for an "anti-imperialist conference" of African, Asian and Latin American nations and a world meeting of Heads of Governments.

All went well on the first three days, January 16-18, of the visit to Bomako (Mali) till the ideological dispute intruded into the visit in the shape of hundreds of youths distributing pamphlets listing Soviet achievements in Africa and Soviet economic aid to Mali. To the first communique of January 20 Mr Chou En-lai added a unilateral eight-point statement on the guidelines of his country's aid programmes.

During his six-day stay in Guinea, from January 21, the Chinese leader and President Toure met several times. Their joint statement emphasized the need for a denuclearised zone in Africa. Guinea expressed the hope that a "just and equitable" solution of the Sino-Indian problems would be reached.

The Sudan provided another instance of casual welcome to the Chinese dignitary when he arrived there on January 27. Government efforts to inspire enthusiasm were conspicuously absent. President Abboud and Mr Chou En-lai met for talks on January 29.

The same day Kenya, Tanganyika and Uganda announced postponement of the visits of the Chinese Premier, presumably due to the unsettled conditions in these countries after the mutinies.

Quickly followed a polite rebuff from Emperor Haile Selassie of Ethiopia during Mr Chou En-lai's brief visit to Asmara on January 30 and 31. The Emperor deplored China's refusal to adhere to the test-ban treaty signed by 100 States. The visiting Premier explained this as being due to the denial of a U.N. seat.

After a hurried visit to Mogadishu, capital of Somali, where he met his counterpart, Premier Abdirashid Ali, and offered a \$20 million credit besides the existing \$3 million annual assistance, Mr Chou En-lai left for Karachi on February 3 on his way home.

### **Afro-Asian meet in Algiers**

THE Algiers meeting of the Afro-Asian Solidarity Council was notable for the attitudes of the member countries to Chinese tactics against Russia and India and Pakistan's efforts to rouse hostility towards India over the Kashmir dispute. The efforts of both countries failed.

China suffered an early rebuff when it was excluded from the committee set up to draft the declaration to be issued at the end of the meeting. It also tried to keep India away from the committee by reason of its own exclusion but the Secretariat of the Council stood firm on India's inclusion.

Inaugurating the meeting, President Ben Bella supported a second conference of African and Asian nations so that disputes among them could be ended to promote the growth of solidarity. He mentioned Kashmir as one such dispute.

The leader of the Indian delegation, Dr Tara Chand, urged consideration of measures to secure implementation of the Colombo proposals on the Sino-Indian dispute so that direct talks could be held on the disputed border. He urged the meeting to persuade China to accept the Colombo proposals which had been endorsed by the Council at Nicosia and Moshi. He echoed Mr Khrushchev's faith in renunciation of force as a means of settling international disputes. The speech evoked repeated applause.

On the second day, the leader of the Chinese delegation, Mrs Kuo Chien, attacked the concept of co-existence. She identified India with imperialism and new and old colonialism. She justified the use of force to settle border disputes but said her country desired a peaceful end of the dispute with India through direct talks without any preconditions. The last remark was a major departure from the text of the speech circulated earlier among the delegates. Observers considered this being due to the dignified speech of Dr Tara Chand.

Next day witnessed an Indo-Pakistan exchange. Mr Farid Ahmed of Pakistan described Kashmir as a "bastion of colonial intrigues and conspiracies". He alleged that Kashmir was in "revolt" and talked of self-determination and liberation. Mr A. M. Tariq of India outlined India's stand on the status of Kashmir.

Chinese antipathy towards Russia came out in the open on the fourth day when the deputy leader of the Chinese delegation shouted and screamed at the leader of the Soviet delegation, Mr Bibodjan Gafurov, after he had alleged that the Chinese were distorting Soviet policies to suit their propaganda. When the Chinese delegate ran up to the rostrum to protest against Mr Gafurov's statement, the Chairman, Mr Mohammed Yazid, threatened to suspend the proceedings unless the Chinese behaved properly.



The trouble spilled over to the following day when speaking in the political commission, a Russian delegate called the Chinese charges against his country "lies, falsehood, distortion and propaganda". Mr Yazid prevented another scene by ruling that the two delegations should not refer to their ideological dispute at the meetings of the committees or commissions of the conference.

The meeting concluded with the Secretary-General of the Council reading out a moderately worded declaration attacking imperialists and colonialists. Pakistan suffered a reverse when its delegate was told to refrain from raising the point of Kashmir's exclusion from the declaration. China dropped its campaign against Mr Khrushchev. Following strong Indian objections it also withdrew the charge of India using Soviet arms to attack China.

The main resolution passed by the meeting accepted Russia's policy of co-existence and general disarmament. Among the other resolutions were those supporting liberation movements in colonies and insurrectional movements in free countries like South Viet-Nam, attacking U.S. imperialism in South Korea, calling for the evacuation of Okinawa by the U.S.; urging a diplomatic and economic boycott of South Africa and Portugal, urging a united struggle in Angola and criticizing N.A.T.O. support to Portugal and one on Africa concerning the liberation of colonies and racist nations like South Africa.

### **South Africa at United Nations**

STRONG criticism of South Africa's plans for the mandated territory of South-West Africa was voiced in the United Nations General Assembly on March 9. The Assembly was giving its first public reaction to the report of the Odendaal Commission, which was appointed by the South African Government. The Commission submitted its report last January.

In a report to the General Assembly's special committee on apartheid, the rapporteur, Mr M. P. Koirala, former Prime Minister of Nepal, said: "It would seem that the commission's plan is based on such an interpretation of self-determination as to make the term meaningless.

"Bantu homelands with such small populations as were envisaged in the plan could never hope to become truly self-governing or independent. The objective would seem to be to divide the territory on tribal lines, create Bantustans with small populations, and integrate the territory more closely with the republic.

"The plan secured the richest part of the country for white control. Under the commission's recommendations the bulk of the habitable land of the mandated territory would be reserved for the whites who constitute only a sixth of the population.

"In addition, all diamond mines and the great majority of all other mines would remain in the 'white area'."

The references to South-West Africa were included in Mr Koira-la's periodic report to the committee on developments relating to the practice of apartheid by South Africa since the General Assembly's consideration of the question last autumn.

Dealing with the "build-up of military and police forces", the report said this had continued during the period under review. The Government had continued to import military equipment from abroad while the manufacture of arms and ammunition in the country was being expanded.

The Security Council has called on member States to refrain from sending arms to South Africa and from helping in the building up of the republic's own ordnance system.

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## DOCUMENTATION

### GHANA DEVELOPMENT PLAN

*We give below an outline of the seven-year development plan of Ghana, which was launched on March 11, 1964. The plan, which aims at enabling Ghana to embark upon the socialist transformation of its economy through the rapid development of the State and Co-operative sectors, envisages a total expenditure of one-thousand-and-sixteen million pounds, that is, over a billion pounds sterling. Of this total, four-hundred-and-seventy-six million pounds will be provided by the Central Government. Foreign investors, individual Ghanaians, Local Authorities and the Co-operative sector are expected to invest about four-hundred-and-forty million pounds. Individual Ghanaians will contribute nearly one-hundred million pounds' worth of direct labour in the construction of buildings, in community development and in the extension of their farms. This outline has been prepared by the Ghana Government.*

—Editor

**G** HANA starts the Seven-year Development Plan period with an economy which is mainly agricultural. Six out of every ten working Ghanaians are employed in agriculture and it is estimated that more than half of the national income of Ghana is produced by agriculture.

#### PROPORTION OF WORKING POPULATION ENGAGED IN AGRICULTURE, 1960

				%	Per Capita National Income
					£
India	..	..	..	70	25
GHANA	..	..	..	62	70
Japan	..	..	..	39	121
Denmark	..	..	..	23	370
U.S.A.	..	..	..	12	801
U.K.	..	..	..	5	384

From the table we can see that the pattern seems to be: the richer the country, the smaller the proportion of the working population engaged in agriculture. Why is this, and how is it possible? The reason is that by raising the productivity of agriculture—using better methods, seeds and equipment—a much higher output has been achieved, using less labour, and thus releasing people to go to other forms of work.

It is in these other forms of work, particularly in the manufacturing

industry, that the fastest rates of growth have been achieved in countries throughout the world. This is why a country such as ours, which aims to develop economically as quickly as possible, must increase the size of the industrial sector of its economy.

To do this, however, involves a transformation of agriculture, since a relatively smaller number of workers in agriculture must provide enough food to satisfy, either directly or through trade, the needs of the whole population. And while the re-distribution of employment from the land to the factory is going on, the agricultural sector of the economy must provide both a home market for the manufactured goods, and a substantial part of the savings needed to finance the cost of industrial development. Therefore a great burden and responsibility for the success of economic development in Ghana rests on those in the community who are engaged in any way in agriculture. The history of other developing countries shows that this transformation of agriculture is an essential pre-requisite for that sustained growth in national income which is the hall-mark of success.

In broad terms then, during the next seven years, Ghana must expand her agricultural output and at the same time build a growing industrial sector. This modern industrial development will provide the basis for the expansion of national income needed to pay for the high standard of social services to which the government has committed itself. In order to run a modernised agriculture and a large number of new industries we need above all a skilled labour force and efficient managements.

Therefore this Plan accords the highest priority to agriculture, industry and education as the sectors which must undergo revolutionary change.

A most important fact about this programme of economic development is that it requires lots of resources—material, human and financial—and the Plan is the means of so organising them as to make the maximum use of them and to avoid unnecessary waste.

## AGRICULTURAL DEVELOPMENT

Ghana's imports of food during the last eight years have risen enormously and much of her hard-earned foreign currency is being spent on food from abroad. It is therefore a measure of one of the tasks facing agriculture during this period of economic development—the need to feed Ghana as far as possible from our own resources.

In order to provide more food at reasonable prices, the comparatively low productivity of the Ghanaian farmer must be raised very considerably. The reasons for the low productivity are not hard to see. Husbandry practices leave much room for improvement. Often the farmer works too small an area. In some parts of the country seasonal

scarcity of water limits production. The available stock of seeds and animals is generally of poor genetic quality. Agricultural credit is not readily available. There is in many areas and for many products no suitably organised distribution and marketing system that is adequate to cope with the potential supply. Many farmers are themselves inadequately nourished and their resulting ill-health limits their productivity..

To overcome these handicaps will require energetic, sustained and well-organised efforts. The encouragement given to private farmers to join together in co-operatives will enable them to have access to modern machinery and techniques which would be beyond their individual resources. In addition, State Farms and the Agricultural Wing of the Workers' Brigade will farm on a much larger scale than before in Ghana, using trained managers and capital equipment. They are intended to secure rapid results from the use of new advances in agricultural science, which individual farmers are usually more slow to adopt, and to make useful contributions to the targets of agricultural production.

As far as the individual farmer is concerned, the practice of shifting cultivation, combined with the lack of mechanical power, sets very low limits to the acreage worked by farmers on the average. Crop rotation system and fertilisers are ways of maintaining soil fertility, and if these were used there would be no need for the farmer to shift and clear fresh land every three years or so. These new methods are being demonstrated in various parts of the country. They will be propagated by the Extension and Development Service which will be set up, staffed by trained agricultural officers and operating all over Ghana.

In the Northern and Upper Regions an ambitious programme of water conservation and irrigation is being started during the plan period, which will overcome the disadvantages of the seasonal water shortages.

The Extension and Development Service will also have as one of its main functions the demonstration to the Ghanaian farmer of the virtues of the improved varieties of seeds and type of livestock which agricultural science has produced. The generous provision made in this Plan for agricultural research will be largely nullified unless the results of successful research are utilised in the field. Better farming practices are another instance of available knowledge which requires an extension service to make its benefits obvious and attractive to the farmers.

The Ministry of Agriculture will, during the plan period, encourage and co-ordinate the various organisations responsible for marketing agricultural produce. The Bank of Ghana will, together with the National Investment Bank, organise a system of agricultural credit, using the facilities of the commercial banking system.

In all these and other ways, it is planned that agricultural productivity in Ghana shall be increased to provide greater supplies of food and export products. There will be a concentration of effort on the most strategic necessities, rather than a diffusion over a large number of possibilities. For example, commodities like cereals and fish, which fill basic nutritional requirements, or sugar and cocoa, which help the balance of payments position, or better still, those like rice which do both, will be the key points in the policy for agricultural development during the Plan.

To carry out this programme to transform Ghana's agriculture, £67 millions are allocated for investment by the Central Government. The fact that nearly £12 millions are to be spent on the development of fishing illustrates the policy of strategic concentration of effort. In all these ways, the private farmers will be encouraged to redouble their efforts, which in the past have been the foundation of Ghana's prosperity.

In order to produce enough food and raw materials to meet the targets of the Plan private farmers will need to invest another £110 millions of their own money to expand and modernise their farms.

## INDUSTRIAL DEVELOPMENT

We have already seen the dominant part played by agriculture in Ghana's economy. The relatively small contribution of the industrial sector is itself mainly derived from small-scale establishments employing mostly family labour and using little capital or equipment.

Of Ghana's large-scale industry the largest share is still held by mining and construction. Each of these contributed 35 per cent of the net output (value added) in all industries in 1959. This is a pattern of industry which is typical of the initial stages of development, with the extractive industries entirely orientated towards export markets and a construction industry highly occupied with the building of social amenities such as roads and bridges, houses, offices, hospitals and schools.

During the plan period, Ghana intends to develop the large-scale industrial sector considerably by:—

- (a) Setting up industries wherever practicable which will provide domestic substitutes for the manufactured staples of consumer demand, the supply of which has at present to be imported;
- (b) Processing, wherever economically feasible, those agricultural and mining commodities that are now exported as primary products, such as cocoa, timber and gold;
- (c) Setting up industries to provide materials for the building industry, in order to conserve foreign exchange, and to low-

- er costs of construction;
- (d) Setting up, as appropriate, basic industries in the fields of metals and chemicals;
- (e) Starting the development of other basic industries which will form part of later stages of industrialisation in subsequent plans;
- (f) Planning industrial development in harmony with the development of other African countries.

Of the total imports in 1962, 42 per cent was in the form of food, drink, tobacco, textiles, clothing and other consumption goods. These cost a lot of money—nearly £G50 millions in 1962. The more industries that can be set up in Ghana successfully to produce substitutes for these goods, the more money will be available to import raw materials, fuel and equipment. These cannot yet be produced in Ghana, but they are essential for the industrial and agricultural development that is the object of the Plan. It is hoped that by the end of the Plan most of Ghana's demand for consumption goods such as textiles, shoes, tinned meat and fish, drinks and sugar will be met from domestic sources of supply. It is also intended that, by that time, some items of durable consumer goods such as refrigerators, electric bulbs, cookers, fans, cars and buses will be assembled in Ghana. This will save some foreign exchange and will be the first step to the local manufacture of these goods.

By processing materials which are at present exported in their primary state, Ghana will obtain several advantages. First, it will increase the earnings of foreign exchange, since the goods will be sold at a higher price than those in the raw state. Secondly, it will increase employment. And, thirdly, it will tend to widen the range of our customers, thus spreading the risks of unforeseen and large fluctuations in our sales to individual countries abroad, which are the bane of primary producers.

Costs of construction in Ghana are very high, due mainly to very low productivity, but also to the use of imported materials, which are very much more costly than domestic substitutes would be. Clinker mills will be established during the Plan period which, by grinding imported clinker into cement, will save some amount of foreign exchange. Increasing use of local bricks, tiles, aluminium sheets and wooden window frames instead of imported cement, asbestos sheets, galvanised iron sheets and aluminium window frames will contribute to the reduction in building costs and the saving of foreign exchange. Standardization and mass production of components for building, especially houses, will be other important ways of achieving these economies.

One of the main reasons of industrialising along the lines described is to save foreign exchange, which will be released for the import

of machinery, equipment and fuel. Already a refinery has been built at Tema which will reduce the foreign exchange costs of fuel. By the end of the plan it is expected that a start will have been made on other industries providing materials for industry, such as a basic chemicals industry.

### **Volta Project**

This is the keystone of Ghana's industrial development and is the largest item of investment in this plan. The Hydro-Electric Project, originally estimated to cost £70 millions, will in fact only cost about £56 millions, due to the savings which have been made by putting the work out to competitive international tendering. About £65.9 million will be invested in the aluminium smelter, and another £7 million will be spent on connected developments.

The Volta Lake will begin to fill in 1964, and by 1966 the electricity from the first four generators at Akosombo will be available to the aluminium smelter at Tema, and other industrial and private consumers in the area between Tema, Takoradi, Kumasi and Akosombo. Later on two more turbines will be installed, to bring the total installed capacity of the Volta dam up to 883MW. Plans are also ready for a supplementary dam at Kpong which will raise electrical capacity on the Lower Volta to a total of around 1000MW. At present the whole electrical capacity of Ghana is 123MW. Thus the Volta scheme will change the power situation completely.

The availability of plentiful supplies of relatively cheap electrical power will be an important attraction to industries being set up in West Africa.

The Volta Lake will itself be used for transport, for fishing, as a tourist attraction, for water supplies, and, depending on studies being made, for irrigation purposes.

### **SOCIAL AND PUBLIC SERVICES**

In Ghana's first two plans—the First Development Plan and the Consolidation Plan—which covered the period 1951 to 1959, 86 per cent of the planned investment was in social and public services.

Among the social services development was concentrated on education and community development, health and housing. Among the public (or infrastructure) services the emphasis was on roads, railways and harbours, including Tema, posts and telecommunications, electricity and water.

As a result Ghana has today a relatively high standard of such services. Much still remains to be done before they reach the high level which is the government's aim, and 50 per cent or about



£G240 millions of the Seven-year Development Plan expenditure will be devoted to these services. But due to the earlier expenditures Ghana will not, like many other developing nations, be held back in her economic development by the inadequacy of her public services.

The main aims of investment in the social and public services during the plan period are the elimination of bottlenecks and the promotion of maximum efficiency in the use of existing facilities. To this end, close co-ordination among projects in the various fields will be fostered. Advantage will be taken of the size and number of similar projects, for example schools and hospital buildings, to obtain the advantages of standardisation of components, bulk-buying, and progressive improvements in design.

### **A—Transport and Communications**

A co-ordinated transport and communications policy is planned, which will include the extension of both the net-work of trunk roads and the feeder roads system. In addition, extensions of the rail system from Awaso to Sunyani and from the Shai Hills to Akosombo are planned. The formation of the Volta Lake provides the opportunity for creating a water-borne transport system between north and south Ghana for the bulk slow-moving traffic for which it is the cheapest available method. The formation of the Lake will also necessitate the creation of lakeside ports, re-siting of roads and bridges, and installation of new feeder roads and rail lines. A new fast ferry service at Yeji will be installed.

All regions of the country will benefit from the projects to be carried out under the Plan, although the timing of the construction of particular roads and bridges will be based largely on economic factors, and priority is given to those vital for industrial and agricultural projects included in the Plan.

Air services in Ghana will be consolidated and modernised during the plan period, and attempts will be made to make Ghana Airways operate without the need for large subsidies by 1970. For this purpose Ghana will co-operate with other African countries to form a joint international airline as soon as possible.

As the volume of Ghana's external trade increases and more of this trade is carried in the ships of the Black Star Line, it is hoped that it will make a significant contribution to the balance of payments.

Tema harbour was already by 1962 handling 23 per cent of the total tonnage passing through Ghana's ports. With the closing of Accra harbour, and the projected industrial developments in the eastern part of the country, this share is likely to increase. Extensions to the fishing harbour and provision of some dockside repair facilities are also contemplated.

## **B—Electricity**

Government intends eventually to make available electricity to all homes in Ghana. A great step towards this aim will be taken in 1966 when electricity from the Volta Project becomes available to southern Ghana. Until then some expansion of the existing diesel-driven plants will be necessary in order to keep pace with demand.

When most of southern Ghana is being supplied by power from the Volta, the surplus thermal capacity will largely be transferred to supply centres outside the area of the grid, thus considerably enlarging the scope of the rural electrification programme.

Within the grid area, it seems likely that for many years to come there will be ample supplies of electricity, thereby eliminating a common power bottleneck in economic development.

## **C—Water Supply and Sewerage**

As with electricity, it is the ultimate aim that good and abundant water should be available to all parts of the country. At present only one-sixth of the population enjoys good drinking water; the rest rely on natural sources which are often polluted and unsafe for drinking.

The development of water supplies to the rural areas during the plan period will consist of reservoirs and artificial ponds in the Northern and Upper Regions, and other dry parts of the country, and bore-holes and wells where possible. £G2 millions have been allocated for these projects. Not everybody can be served from these resources, and planned industrial and other projects will influence the choice of location.

In addition, the expected growth in the population of the cities and towns, together with expected industrial developments, necessitates expansion of urban water supplies, which in Accra|Tema are already insufficient at times. £G11.9 million has been allocated for this development. In addition, £G4.75 million will be provided for modern sewerage systems in Accra|Tema and Kumasi.

## **D—Health Services**

The Ghana medical service has grown rapidly in the last ten years, until it can now be called a truly national health service. But it cannot yet meet the public demand and £G32 million has been allocated for investment in health services during this plan period.

The main emphasis during the next seven years will be on the training of personnel of all levels, and on rural health and preventive medicine.

Rural health has been relatively neglected in the past, whilst efforts have been concentrated on curative medicine in the cities and large towns. It is planned to put an extensive net-work of both mobile and permanent health facilities over the rural areas based on the health centres.

Another change of emphasis during this Plan will be from the more glamorous, but economically less fruitful, curative services to preventive and public health services. The reason for this change is that most of the causes of illness and death among Ghanaians today are diseases which are communicable. Some are spread by contact, some by insects and other carriers, and others through water and food. These diseases—malaria, tuberculosis, typhoid, onchocerciasis—can be controlled and even eradicated, and the government intends to begin on programmes for their elimination during this plan period. Malaria will be the first priority; it is already being tackled in pilot projects jointly run by the World Health Organisation and Ghana.

The effectiveness of public health work in Ghana will be increased by the strengthening of regional health services and by the expansion of the health education services of the Ministry of Health.

Another field on which emphasis will be laid is maternal and child care. In every 1,000 births in Ghana 17 mothers die. Out of every 1,000 children born in this country 100 die before they are one year old, and at least 250 do not live to become adults. This is a terrible situation which calls for the most urgent remedial action. Fortunately it is also an aspect of health development in which spectacular results can be expected. Maternity clinics will be established in each health centre and health post, especial regard being paid to the Upper and Northern Regions.

The hospital, dental and mental health services will all be expanded as far as the maximum amount of money available will allow.

By the end of the Plan period it is hoped that there will be:

1 doctor	..	..	..	per	10,000 people
1 nurse	..	..	..	per	5,000 people
1 technician	..	..	..	per	5,000 people
1 health inspector	..	..	..	per	15,000 people
1 health auxiliary	..	..	..	per	1,000 people

## E—Housing

The provision of adequate housing is a major aspect of government policy and an important influence on the productivity of labour. The physical standards of housing in Ghana and its location in relation to the places of work must be improved. The government's housing policy aims at ensuring that adequate housing will

be available to meet the requirements of the working force, especially in urban areas, where new economic activities are expected to develop.

The rate of urbanisation in Ghana, as indeed in many other developing countries, has been very rapid in the period after the last war, and there is no doubt that this development will continue.

It means that there is and still will be a great pressure on available housing in urban areas. From 1948 to 1960 the average number of persons per house in the larger cities increased by about 30 per cent to more than 19 persons per house.

Houses in cities and towns are more expensive to construct than in rural areas, due to the higher standard and cost of land preparation. Today it costs about £G110 to house a city dweller, £G70 to house a town dweller and about £G50 to house a village dweller.

It is estimated that the population in the cities (Accra, Kumasi, Sekondi-Takoradi) will increase by about 250,000 persons, and in towns with more than 10,000 inhabitants by 350,000 persons, during the course of the Seven-year Plan. A national housing programme to provide adequately for housing needs is therefore going to be expensive.

In order to prevent unsystematic construction of houses, town-planning will be much more developed, and some re-development of larger cities will be started.

The government had already by 1962 spent about £G9 million on housing construction. But in the coming seven years it will be necessary to invest £G44.5 million, as a minimum, in new houses in the urban areas, of which £G13.3 million will be in houses for those with low incomes. Of this, government intends to provide about £G20 million. Private individuals and business enterprises should provide the rest.

The government will try to arrange to make more funds available for housing by stimulating the flow of loans, through banks, insurance companies, building societies, pension funds and so on, into the house building market. But even then it will be necessary for the government to finance some part of the construction cost from its own resources. Government will try in addition to arrange foreign loans for housing purposes, which will be directly or indirectly channelled to the various house-building agencies.

It is the intention of the government that the existing housing agencies shall continue to build houses and on a larger scale. Besides this, promoters of new industrial plants in Ghana will be encouraged to provide houses for their workers.

The biggest problem of housing in Ghana is its cost. The government has to find ways to reduce the cost of building materials, mainly through the use of more indigenous materials. It is also essential that the construction industry itself be made more efficient.

If this succeeds then, as in some other African countries, it may be possible to build houses for workers at a cost of not more than £G350 each.

## **F—Education and manpower**

The success of the Seven-year Plan is finally dependent upon the abilities and the honest hard work of the people who are charged with the responsibility of carrying out the activities required by the Plan. The most perfect plan in the world would fail if personnel with the education, training and experience required to fill the new jobs were not available in sufficient quantity. About 1,100,000 fresh employees are called for by 1970 to fill the new jobs which will be created and to replace those who will leave the labour force during the seven-year period. Of this total, nearly half must be prepared for employment in the skilled and higher level occupations, ranging from artisans to teachers and other professional occupations. With these heavy demands for trained manpower in mind it is necessary to expand and adjust the educational system accordingly.

Basic changes are being introduced which will result in considerable saving in the time required to complete segments of the educational programme. These reductions in the length of the educational cycles will provide increased numbers of school leavers to qualify for employment within the period of the Plan. The present four-year middle school will be replaced by a two-year continuing school with a strong vocational emphasis. This means that students will be available for employment in eight years, including six years in primary schools, rather than ten years as they now are. The period in secondary school has been reduced from 5 years to 4 years, so that these students will complete their schooling one year sooner. These changes will also reduce the time required for a complete education from primary school to University degree, from the present eighteen years to fifteen years. These reductions will have the effect of making available 300,000 additional employees with varying levels of education before 1970. In addition, the reductions are being carried through without lowering the educational standards. This has been accomplished by the introduction of modern teaching materials and methods and revisions of the courses of study. These basic changes were hastened by the needs of Ghana's development plans; their effects on the society as a whole would however be welcomed in any case.

The table below gives an indication of the rate of educational expansion which is planned during the next seven years.

## GROWTH IN SCHOOL ENROLMENT 1963-1970

	<i>Total Enrolment</i>			<i>1963</i>	<i>1969</i>
Primary-Middle .. ..				1,200,000	2,200,000
Secondary .. ..				23,000	78,000
Teacher Training .. ..				6,000	21,000
Technical .. ..				4,000	6,000
Clerical Training .. ..				100	5,000
Universities .. ..				2,000	5,000

To carry out this expansion programme more than 40,000 additional teachers will be needed by the schools and universities. As a result of the expansion, educational institutions will provide about 850,000 educated Ghanaians ready to take important places in government, business and industry. The outflow from these institutions will be approximately as follows:

## EMPLOYABLE OUTPUT OF EDUCATIONAL SYSTEM 1964-1970

<i>Middle and Continuing Schools</i>	<i>Secondary Schools</i>	<i>Univer- sities</i>	<i>Trade and Technical</i>	<i>Teacher Training</i>	<i>Office Clerical</i>	<i>Total</i>
750,000	46,000	9,000	14,000	31,000	11,000	861,000

Together with those now employed, these 861,000 people will provide the manpower which will make it possible for the Plan to succeed. The buildings and facilities required for the post-primary educational growth will require an investment of more than £G64 million. This investment in the youth and future of Ghana cannot be denied.

The contributions of the educational system to the success of the Plan will be large and important. However, the educational system cannot be expected to solve the entire manpower problem. Even with considerable education the students joining the labour force will be almost totally without actual work experience and they will require training and familiarization in the jobs in which they are employed. The largest share of responsibility must rest, therefore, with those who are now employed, whether in government, commerce, industry or service. It is on their experience and skill that the success of the new projects and institutions must depend. Expanded in-service training programmes and adult education schemes are being organized to assist these employees as they are called upon to take over increasing responsibility as craftsmen, foremen, technicians and managers. The Institute of Public Education, the Workers' Colleges, the Universities and the other specialised insti-

tutions are doubling their efforts to make specialised training available on a part-time and off-hours basis.

The employment targets set by the plan are high—over one million new workers will join the labour force. These new workers, some to replace those who will have left, and others additional, are expected to be distributed among the various sections of the economy in approximately the following manner:

<i>Agriculture</i>	<i>Mining</i>	<i>Manufacturing</i>	<i>Construction</i>	<i>Utilities</i>	<i>Commerce</i>	<i>Transport</i>	<i>Service</i>	<i>Total</i>
300,000	25,000	225,000	195,000	10,000	160,000	85,000	165,000	1,075,000

Inevitably, shortages of personnel with specialised qualifications will develop. Shortages of this type are most likely to occur in the managerial, professional and technical fields, where the number of such personnel is limited and extensive training and experience are required. Nevertheless, the goals can be reached with the full support of the people, the government and the institutions upon which manpower development depends.

### FINANCING OF THE PLAN

A programme for economic and social advancement in so many fields, such as we have in the Seven-year Development Plan, is bound to cost a lot of money and to pose problems of financing.

#### How much will it cost?

Investment throughout the seven years of the Plan will average £G130 million a year. Of this, about one half, or £G68 million a year, will be investment by the government and the rest will be private investment. Various measures, including the recent Capital Investment Act, 1963, are being taken to encourage private investors to achieve the targets set for them in the Plan. In addition, the "direct investment" of Ghanaians in building their own houses, extending their farms and making improvements by individual and communal labour in their towns and villages will be a very significant contribution, as it has been in the past, to the attainment of the economic development which is the aim of the Plan. This "direct investment" should reach an average of £G14 million a year, to fit into the plan framework.

The pattern of Government investment under the present Plan shows striking features, compared with previous Plans, which must be emphasised.

As can be seen, the new Plan rightly places more emphasis on the "productive" sectors, that is, industry, mining, agriculture, fores-

try and fishing, than did the earlier plans. Of the £G476 millions of Government investment during the Plan period, about 37 per cent will be spent on the "productive" sectors, as compared with only 9.9 per cent of the total investment in these sectors during the First and Consolidation plans, i.e., nearly 4 times as much. In other words, under the latter plans over 90 per cent of Government investment was on the non-productive sectors. The Plan proposes that in the first year, 1963-64, the "productive" sectors will receive 38 per cent; by the end, in 1969-70, they will receive 48 per cent.

Private investment, being the result of a large number of individual choices, is not so easy to allocate among the various sectors of the economy. Private foreign and local investments must total £G540 million over the plan period to fit into the overall framework. The distribution of this aggregate amount in the Plan is meant to be a guide to the sort of pattern which we desire. It is expected that over £G30 million should be invested in mining by the private sector. A total of £G59 million is being invested in the aluminium smelter at Tema. And housing, both urban and rural (and including "direct investment"), should total £G56 million in the private sector.

### **How do we know whether we can afford to spend this amount?**

The answer to this question involves some rather complex calculations, which are based on the best forecasts that those responsible can make. These forecasts are crucial to the strength of the Plan. For example, in deciding how much food we shall need to import during the Plan period (which will partly determine how much money is available for other imported goods like machinery) some forecast must be made about how much food will be produced in Ghana. This estimate will be made, taking into account current production, planned extensions of acreage, planned use of machinery, improved seed, fertilizers and so on. But two successive seasons of bad weather could play havoc with the production estimates and the plans. More food might have to be imported, leaving less foreign currency available for machinery. This in turn could slow down the planned rate of growth of industrial and agricultural output.

There are many such forecasts underlying the financial calculations in a Plan, and if the actual performance of the economy diverges too far from these then the financial calculations could be ruined. This makes it very important for everybody to try to achieve the targets set for them in the Plan. In particular those responsible for increasing agricultural and industrial production and for keeping down the rate of consumption will largely determine the success of the Plan.



**Where will the money come from?**

The total investment during the Plan period is estimated at £G 1,016 million. This includes £G141 million for the depreciation which is needed to maintain or replace the capital equipment which will be worn out during the seven years. This investment total is divided into £G476 million of public investment and £G540 million of private investment.

The private investment is expected to be obtained as follows :—

	£G millions
"Direct labour investment" .. .. .	100
Residents' net private savings .. .. .	340
New foreign capital: Valco .. .. .	60
Others .. .. .	40
	<hr/>
	540
	<hr/>

The total of £G476 million of government investment is expected to be financed as follows :—

	£G millions
Recurrent budget surpluses .. .. .	100
Profits of State Corporations .. .. .	23
Small savings .. .. .	12
Foreign loans and grants (including Volta) .. .. .	240
Long-term domestic borrowing .. .. .	14
Short-term borrowing (deficit financing) .. .. .	87
	<hr/>
	476
	<hr/>

Should cocoa prices rise significantly above the average of £G190 per ton which has been assumed, this will increase government's revenues and would reduce the need for the so-called deficit financing, which is a residual element.

## ACTIVITIES OF THE COUNCIL

The following is an account of the activities of the Council during the quarter :

### **Seminar on Socialist Transformation**

The Council organised a two-day seminar on "Problems of Socialist Transformation in Developing Countries" at the University of Delhi on January 18 and 19. The seminar was the third in a series. The first seminar had focussed public attention on the problems of emergent Africa and the second on the problems of Portuguese possessions.

These seminars had stressed the ways and means of eradicating colonialism. The importance of the third seminar lay in the fact that it attempted to create a consensus for common values for the future development of these countries. It also attempted to explore the possibilities of these countries co-operating with each other in reconstructing the entire underdeveloped region of the world.

What did the words "socialist transformation in developing countries" mean? Answering the question in his inaugural address at the seminar, Dr C.D. Deshmukh, Vice-Chancellor of the University of Delhi, said: "At first sight it would look as if we are acting on some preconceived notions. It would look as if we are all sworn socialists and that we have decided therefore to exclude any other considerations or any other ideologies. But it seems to me that as soon as you postulate a developing country, you are bound to postulate some kind of socialist order and the poorer you are and the less developed you are the more socialist you are bound to be, no matter what your views in general may be on the place of non-socialist systems.

"Indeed I would go so far as to say that the end of colonialism is the signal for the initiation of socialism; because colonialism in international terms expressed a kind of *laissez-faire*, where might was right and a kind of organised exploitation prevailed. So translating all this to the comity of nations instead of communities you find that colonialism was a kind of free enterprise and since that free enterprise has now been terminated in our countries and we are seeking to make our independence fruitful and meaningful we are bound to accept the general notions underlying a socialist society".

In his welcoming speech, Mr K. C. Pant, General Secretary of the Council, said that to every newly independent country freedom had brought with it the uphill task of national reconstruction. The eco-

mony, bled white by the former rulers, had to be resuscitated. A new social order, more in tune with the aspirations of the people and the needs of modern times, had to be created. Privilege had to be replaced by talent, and the fruits of freedom had to be distributed justly among all citizens. Even as these objectives were broadly common, so were the basic problems confronting developing countries—poverty, disease, ignorance and superstition, and, above all, lack of trained and skilled personnel.

He pointed out that the essential purpose of the seminar was to discover the common denominator among the countries engaged in the task of national reconstruction.

While the participants in the seminar on the problems of Portuguese possessions were mostly political leaders belonging to liberation movements in African countries, those in the seminar on "Problems of Socialist Transformation in Developing Countries" were all students. The countries represented at the seminar, besides India, were: Northern Rhodesia, the U.A.R., Mauritius, Ghana, Iraq, Yugoslavia, Nepal, Russia, Rumania, Trinidad, Fiji, West Indies, South Vietnam, the U.K., Aden, Thailand and Malaya. Several students submitted papers.

With his 30 years' experience as an ideologue of the Socialist movement in India, Mr Rohit Dave, a former member of the Rajya Sabha and chairman of one of the three groups in which the students discussed the subject, lent purpose and understanding to the group discussions. He was assisted in the group discussions by Dr Jitendra Singh, a senior member of the staff of the Indian Institute of Public Administration. Similarly, Dr S. Shukla, an expert on education, Dr Paranjpye, an economist specializing in public enterprises, Dr Andre Beteille, a sociologist, Dr S. Gupta, well-known authority on foreign policy, contributed a great deal to the discussions.

The overall leadership of the seminar rested with Dr J. P. Bhattacharjee, who brought to bear on the deliberations of the seminar his deep knowledge of problems of economic development, especially of rural areas.

A fuller report of the seminar will be published in the next issue of *Africa Quarterly*.

### **Scholarship for student**

The Council has extended by three months the scholarship in leather technology awarded to Mr Francis Ngugi. Mr Ngugi has already completed six months' training at the Central Leather Research Institute, Madras. Earlier the Council had awarded two scholarships for similar training to two Kenya students, Mr Gerald Muhia and Mr Timothy Ottanga.

### **Meeting with Nigerian educationist**

The Office Secretary attended a tea party held on March 29 in honour of (Chief) Mrs T. Ayo Manuwa, a leading educationist and social worker of Nigeria. Among those present were Mrs M. Banerjee, Mrs Renuka Ray, MP, Mrs K. C. Pant, Dr Kapila Vatsyana and Miss M. Masani. They discussed, among other subjects, the role of women in the social, economic and political development of India.

Chief Manuwa represented Nigeria at the U.N. Seminar on "The Participation of Women in Public Life" at Addis Ababa (1960); was the guest speaker at a U.N. seminar in Haifa (1961); was a guest at the Meeting of the International Federation of the Business and Professional Women's Clubs in Livingstone, S. Rhodesia; and speaker at the Home Economics Conference in Paris (1963).

She will visit Australia and Afghanistan this year.

### **Meeting with Nigerian Journalists**

The General Secretary of the Council, Mr K. C. Pant, and the Office Secretary met a delegation of eight Nigerian journalists who had come to New Delhi on a brief visit. The Nigerian journalists showed keen interest in the activities of the Council, including the publication of *Africa Quarterly*. The members of the delegation were: Mr Philip Ohiare, Deputy Editor, the *Daily Mail*, Kano; Mr Mac Alabi, Chief Sub-Editor, the *Daily Times*, Lagos; Mr S. Fagbo, Chief Editor, the Nigerian Broadcasting Corporation, Lagos; Mr A. Shasore, Deputy News Editor, the *Daily Express*, Lagos; Mr A. Sogunle, Assistant Editor, the *Sunday Post*, Lagos; Mr M. Anagbogu, Deputy Editor, the *Nigerian Outlook*, Enugu; Mr Smart Eblee, Editor, the *Daily Telegraph*, Lagos; and Mr Eje Agbo, Assistant Editor, *Nigerian Citizen*, Zaria.

The Office Secretary met Mr Tai Solarin, a prominent Nigerian writer and educationist, who visited New Delhi in January. A columnist in the *Daily Times*, Mr Solarin writes on education, politics and social problems. For a year he was Assistant Lecturer in the London School of Oriental and African Studies. He was also Principal of Molusi College.

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Compiled by MOHD. AHMAD

*This feature is presented every quarter with the object of providing a list of recent publications on Africa. It is hoped that this will be helpful to those who are specially interested in the study of African affairs.*

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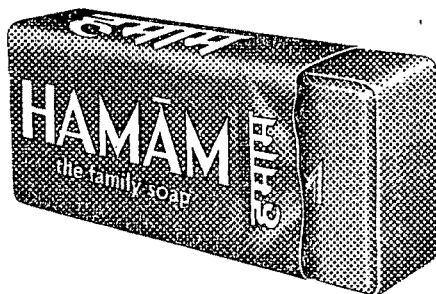


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